

**Senate Study Bill 3140 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
AGRICULTURE AND LAND  
STEWARDSHIP BILL)

**A BILL FOR**

1 An Act revising provisions affecting the administration  
2 of the department of agriculture and land stewardship,  
3 including associated regulations and licensing, as it  
4 relates to biofuels, weather and market information,  
5 internet publications, soil and water conservation, feed,  
6 vaccinations, tuberculosis, brucellosis, classical swine  
7 fever, Johne's disease, treatment for sheep, branding,  
8 manufactured articles, grain, pesticides, coal mining, and  
9 weights and measures, making penalties applicable, and  
10 including applicability provisions.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
GENERAL

Section 1. Section 159.2, subsection 1, Code 2011, is amended to read as follows:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, livestock industry, dairying, cheese making, poultry raising, biofuels, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

Sec. 2. Section 159.5, subsection 4, Code 2011, is amended to read as follows:

4. Maintain a weather ~~division~~ bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The ~~division~~ bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

Sec. 3. Section 159.5, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 4. Section 159.5, subsection 7, Code 2011, is amended to read as follows:

~~7. Maintain a division of agricultural statistics, which shall, in cooperation~~ Cooperate with the United States department of agriculture statistical reporting service, to gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa. ~~The division is in the charge of an administrator, who shall be appointed by the~~

1 ~~secretary of agriculture and who shall be an officer of the~~  
2 ~~United States department of agriculture statistical reporting~~  
3 ~~service, if one is detailed for that purpose by the federal~~  
4 ~~government.~~

5 Sec. 5. Section 159.5, subsection 8, Code 2011, is amended  
6 to read as follows:

7 8. Establish and maintain a marketing news service ~~division~~  
8 bureau in the department which shall, in cooperation with the  
9 federal market news and grading division of the United States  
10 department of agriculture, collect and disseminate data and  
11 information relative to the market prices and conditions of  
12 agricultural products raised, produced, and handled in the  
13 state. ~~The division is in the charge of an administrator, who~~  
14 ~~shall be appointed by the secretary of agriculture and shall be~~  
15 ~~an officer of the federal market news and grading division of~~  
16 ~~the United States department of agriculture, if one is detailed~~  
17 ~~for that purpose by the federal government.~~

18 Sec. 6. Section 159.9, Code 2011, is amended to read as  
19 follows:

20 **159.9 ~~Publication and distribution of rules~~ Internet access**  
21 **to statutes and rules.**

22 ~~A sufficient number of pamphlets setting forth the~~ The  
23 statutes relating to and rules of adopted by the department  
24 ~~shall be published from time to time to supply the various~~  
25 ~~needs for the same and shall be furnished to any resident of~~  
26 ~~the state upon request~~ shall be made available on the internet.

27 Sec. 7. REPEAL. Section 159.14, Code 2011, is repealed.

28 DIVISION II

29 SOIL AND WATER CONSERVATION

30 Sec. 8. Section 159.8, Code 2011, is amended to read as  
31 follows:

32 **159.8 Comprehensive management plan — highly erodible acres.**

33 1. The department shall request cooperation from the  
34 federal government, including the United States department  
35 of agriculture consolidated farm service agency and the

1 United States department of agriculture natural resources  
2 conservation service, to investigate methods to preserve  
3 land which is highly erodible, as provided in the federal  
4 Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the  
5 purpose of developing with owners of the land a comprehensive  
6 management plan for the land. The plan may be based on the  
7 soil conservation plan of the natural resources conservation  
8 service and may include a farm unit conservation plan and a  
9 comprehensive agreement as provided in chapter 161A. The  
10 extension services at Iowa state university of science and  
11 technology shall cooperate with the department in developing  
12 the comprehensive plan.

13 2. The investigation shall include methods which help  
14 to preserve highly erodible land from row crop production  
15 through production of alternative commodities, and financial  
16 incentives. ~~The department shall report to the governor and~~  
17 ~~the general assembly not later than January 15, 1990, of the~~  
18 ~~department's progress in the investigation. The department~~  
19 ~~shall report to the governor and the general assembly not later~~  
20 ~~than January 15, 1991, on the department's recommendation for~~  
21 ~~programs necessary to preserve highly erodible land from injury~~  
22 ~~or destruction.~~

23 Sec. 9. Section 161A.7, subsection 3, Code 2011, is amended  
24 to read as follows:

25 3. The commissioners shall, as a condition for the receipt  
26 of any state cost-sharing funds for permanent soil conservation  
27 practices, shall require the owner of the land on which the  
28 practices are to be established to covenant and file, in the  
29 office of the soil and water conservation district of the  
30 county in which the land is located, an agreement identifying  
31 the particular lands upon which the practices for which state  
32 cost-sharing funds are to be received will be established,  
33 and providing that the project will not be removed, altered,  
34 or modified so as to lessen its effectiveness without the  
35 consent of the commissioners, obtained in advance and based on

1 guidelines drawn up by the state soil conservation committee,  
2 for a period ~~of~~ not to exceed twenty years after the date of  
3 receiving payment. The commissioners shall assist the division  
4 in the enforcement of this subsection. The agreement does not  
5 create a lien on the land, but is a charge personally against  
6 the owner of the land at the time of removal, alteration, or  
7 modification if an administrative order is made under section  
8 161A.61, subsection 3.

9 Sec. 10. Section 161A.12, Code 2011, is amended to read as  
10 follows:

11 **161A.12 Statement to department of management.**

12 On or before October 1 next preceding each annual  
13 legislative session, the ~~division~~ department shall submit to  
14 the department of management, on official estimate blanks  
15 furnished for those purposes, statements and estimates of the  
16 expenditure requirements for each fiscal year, and a statement  
17 of the balance of funds, if any, available to the division,  
18 and the estimates of the division as to the sums needed for  
19 the administrative and other expenses of the division for the  
20 purposes of this chapter.

21 Sec. 11. Section 161A.42, subsection 3, Code 2011, is  
22 amended by striking the subsection.

23 Sec. 12. Section 161A.42, subsection 7, Code 2011, is  
24 amended to read as follows:

25 7. "*Farm unit soil conservation plan*" means a plan jointly  
26 developed by the owner and, if appropriate, the operator  
27 of a farm unit and the commissioners of the soil and water  
28 conservation district within which that farm unit is located,  
29 ~~based on the conservation folder for that farm unit and~~  
30 identifying those permanent soil and water conservation  
31 practices and temporary soil and water conservation practices  
32 the use of which may be expected to prevent soil loss by  
33 erosion from that farm unit in excess of the applicable soil  
34 loss limit or limits. The plan shall if practicable identify  
35 alternative practices by which this objective may be attained.

1     Sec. 13. Section 161A.61, subsection 2, unnumbered  
2 paragraph 1, Code 2011, is amended to read as follows:

3     ~~Beginning January 1, 1985, or five years after the~~  
4 ~~completion of the conservation folder for a particular farm~~  
5 ~~unit pursuant to this section, whichever date is later, the~~ The  
6 commissioners of the soil and water conservation district in  
7 which that farm unit is located may petition the district court  
8 for an appropriate order with respect to that farm unit if its  
9 owner or occupant has been sent a notice by the commissioners  
10 under subsection 1, paragraph "b", for three or more consecutive  
11 years. The commissioners' petition shall seek a court order  
12 which states a time not more than six months after the date of  
13 the order when the owner or occupant must commence, and a time  
14 when the owner or occupant must complete the steps necessary  
15 to comply with the order. The time allowed to complete the  
16 establishment of a temporary soil and water conservation  
17 practice employed to comply or advance toward compliance  
18 with the court's order shall be not more than one year after  
19 the date of that order, and the time allowed to complete  
20 the establishment of a permanent soil and water conservation  
21 practice employed to comply with the court's order shall be not  
22 more than five years after the date of that order. Section  
23 161A.48 applies to a court order issued under this subsection.  
24 The steps required of the farm unit owner or operator by the  
25 court order are those which are necessary to do one of the  
26 following:

27     Sec. 14. Section 161A.62, subsection 1, Code 2011, is  
28 amended by striking the subsection.

29     Sec. 15. Section 161A.62, subsection 2, Code 2011, is  
30 amended to read as follows:

31     2. The commissioners of each soil and water conservation  
32 district shall complete preparation of a farm unit soil  
33 conservation plan for each farm unit within the district, ~~not~~  
34 ~~later than January 1, 1985, or five years after completion of~~  
35 ~~the conservation folder for that farm unit, whichever date is~~

1 ~~later, or~~ as soon thereafter as adequate funding is available  
2 to permit compliance with this requirement.

3 a. Technical assistance in the development of the farm  
4 unit soil conservation plan may be provided by the United  
5 States department of agriculture natural resources conservation  
6 service through the memorandum of understanding with the  
7 district or by the department. The commissioners shall make  
8 every reasonable effort to consult with the owner and, if  
9 appropriate, with the operator of that farm unit, and to  
10 prepare the plan in a form which is acceptable to that person  
11 or those persons.

12 b. The farm unit soil conservation plan shall be drawn  
13 up and completed without expense to the owner or operator of  
14 the farm unit, except that the owner or operator shall not be  
15 reimbursed for the value of the owner's or occupant's own time  
16 devoted to participation in the preparation of the plan.

17 c. If the commissioners' farm unit soil conservation plan  
18 is unacceptable to the owner or operator of the farm unit,  
19 that person or those persons may prepare an alternative farm  
20 unit soil conservation plan identifying permanent or temporary  
21 soil and water conservation practices which may be expected  
22 to achieve compliance with the soil loss limit or limits  
23 applicable to that farm unit, and submit that plan to the soil  
24 and water conservation district commissioners for their review.

25 Sec. 16. Section 161A.63, Code 2011, is amended to read as  
26 follows:

27 **161A.63 Right of purchaser of agricultural land to obtain**  
28 **information.**

29 A prospective purchaser of an interest in agricultural land  
30 located in this state is entitled to obtain from the seller, or  
31 from the office of the soil and water conservation district in  
32 which the land is located, a copy of the most recently updated  
33 ~~conservation folder and of any~~ farm unit soil conservation  
34 plan, developed pursuant to section 161A.62, subsection 2,  
35 which are applicable to the agricultural land proposed to

1 be purchased. A prospective purchaser of an interest in  
2 agricultural land located in this state is entitled to obtain  
3 additional copies of either or both of the documents referred  
4 to in this section from the office of the soil and water  
5 conservation district in which the land is located, promptly  
6 upon request, at a fee not to exceed the cost of reproducing  
7 them. All persons who identify themselves to the commissioners  
8 or staff of a soil and water conservation district as  
9 prospective purchasers of agricultural land in the district  
10 shall be given information, prepared in accordance with rules  
11 of the department, which clearly explains the provisions of  
12 section 161A.76.

13 Sec. 17. Section 161A.73, subsection 2, paragraph b, Code  
14 2011, is amended to read as follows:

15 b. The allocation of cost-share moneys as financial  
16 incentives to encourage summer construction of permanent soil  
17 and water conservation practices. The practices must be  
18 constructed on or after June ~~1~~ 15 but not later than ~~September~~  
19 October 15. The commissioners may also provide for the  
20 payment of moneys on a prorated basis to compensate persons  
21 for the production loss on an area disturbed by construction,  
22 according to rules which shall be adopted by the division. ~~The~~  
23 ~~commissioners shall not allocate cost share moneys to support~~  
24 ~~summer construction during a fiscal year in which applications~~  
25 ~~for cost share moneys required to establish permanent soil and~~  
26 ~~water conservation practices, other than established by summer~~  
27 ~~construction, equal the total amount available to support the~~  
28 ~~nonsummer construction practices. The financial incentives~~  
29 ~~shall not exceed sixty percent of the estimated cost of~~  
30 ~~establishing the practice as determined by the commissioners,~~  
31 ~~or sixty percent of the actual cost of establishing the~~  
32 ~~practice, whichever is less.~~

33 Sec. 18. Section 161A.76, subsection 1, Code 2011, is  
34 amended to read as follows:

35 1. It is the intent of this chapter that, ~~effective~~

1 ~~January 1, 1981,~~ each tract of agricultural land which has  
2 not been plowed or used for growing row crops at any time  
3 within the prior fifteen years ~~prior to that date,~~ shall  
4 for purposes of this section be considered classified as  
5 agricultural land under conservation cover. If a tract of land  
6 so classified is thereafter plowed or used for growing row  
7 crops, the commissioners of the soil and water conservation  
8 district in which the land is located shall not approve  
9 use of state cost-sharing funds for establishing permanent  
10 or temporary soil and water conservation practices on that  
11 tract of land in an amount greater than one-half the amount  
12 of cost-sharing funds which would be available for that land  
13 if it were not considered classified as agricultural land  
14 under conservation cover. The restriction imposed by this  
15 section applies even if an administrative order or court order  
16 has been issued requiring establishment of soil and water  
17 conservation practices on that land. The commissioners may  
18 waive the restriction imposed by this section if they determine  
19 in advance that the purpose of plowing or row cropping land  
20 classified as land under conservation cover is to revitalize  
21 permanent pasture and that the land will revert to permanent  
22 pasture within two years after it is plowed.

23 DIVISION III

24 ANIMAL HEALTH — GENERAL

25 Sec. 19. Section 163.7, Code 2011, is amended to read as  
26 follows:

27 **163.7 State and federal rules.**

28 The rules adopted by the department regarding interstate  
29 shipments of animals shall not be in conflict with the rules  
30 of the ~~federal~~ United States department of agriculture, unless  
31 there is an outbreak of a malignant contagious disease in any  
32 locality, state, or territory, in which event the department  
33 ~~shall have the right to~~ of agriculture and land stewardship may  
34 place an embargo on such locality, state, or territory.

35 Sec. 20. Section 163.25, Code 2011, is amended to read as

1 follows:

2 **163.25 Altering certificate.**

3 1. A person shall not remove or alter a tag or mark of  
4 identification appearing on an animal, tested or being tested  
5 for disease, if the tag or mark of identification is authorized  
6 by the department or inserted by any qualified veterinarian.

7 2. A person shall not ~~alter~~ falsify any of the following:

8 a. A certificate of vaccination, issued by a person  
9 authorized to vaccinate the animal.

10 b. A certificate of veterinary inspection.

11 Sec. 21. Section 163.26, Code 2011, is amended to read as  
12 follows:

13 **163.26 Definition.**

14 For the purposes of this subchapter, "*garbage*" means  
15 putrescible animal and vegetable wastes resulting from the  
16 handling, preparation, cooking, and consumption of foods,  
17 including animal carcasses or parts, ~~and.~~ "Garbage" includes  
18 all waste material, by-products of a kitchen, restaurant,  
19 hotel, or slaughterhouse, every refuse accumulation of animal,  
20 fruit, or vegetable matter, liquids or otherwise, ~~except or~~  
21 grain not consumed, that is collected from hog sales pen  
22 floors in public stockyards ~~and fed under the control of the~~  
23 ~~department of agriculture and land stewardship.~~ Animals or  
24 parts of animals, which are processed by slaughterhouses or  
25 rendering establishments, and which as part of the processing  
26 are heated to not less than 212 degrees F. for thirty minutes,  
27 are not garbage for purposes of this chapter.

28 Sec. 22. Section 163.27, Code 2011, is amended to read as  
29 follows:

30 **163.27 Boiling garbage.**

31 1. ~~It shall be unlawful for any person, firm, partnership,~~  
32 ~~or corporation to feed garbage~~ Garbage shall not be fed to  
33 ~~animals~~ an animal unless such garbage has been heated to a  
34 temperature of two hundred twelve degrees Fahrenheit for thirty  
35 minutes, or other acceptable method, as provided by rules

1 ~~promulgated~~ adopted by the department, ~~provided~~. However, this  
2 requirement shall not apply to an individual who feeds to the  
3 individual's own animals only the garbage obtained from the  
4 individual's own household. ~~It shall be unlawful for any~~  
5 2. A person, firm, partnership, or corporation to shall not  
6 feed any public or commercial garbage to swine after ~~September~~  
7 ~~1, 1970.~~

8 Sec. 23. Section 163.28, unnumbered paragraph 4, Code 2011,  
9 is amended to read as follows:

10 The license fee for each processing plant shall be fifty  
11 dollars, except that the first license fee may be prorated on a  
12 monthly basis as prescribed by the department. The secretary  
13 shall not issue a license which would permit the processing of  
14 any garbage for swine feeding after ~~September 1, 1970.~~

15 Sec. 24. Section 163.30, subsection 11, Code Supplement  
16 2011, is amended to read as follows:

17 11. ~~All~~ Any swine found by a registered veterinarian to have  
18 any infectious or contagious disease after delivery to any a  
19 livestock sale barn or auction market for resale, other than  
20 for slaughter, shall be immediately returned to the consignor's  
21 premises to be quarantined separate and apart for fifteen  
22 days. Such swine shall not be moved from such premises for  
23 any purpose unless a certificate of veterinary inspection  
24 accompanies the swine's movement or unless ~~they~~ the swine are  
25 sent to slaughter. ~~This subsection shall in no way supersede~~  
26 ~~the requirements of sections 163A.2 and 163A.3.~~

27 Sec. 25. Section 163.61, subsection 3, paragraph a, Code  
28 2011, is amended to read as follows:

29 a. A person who falsifies a certificate of vaccination or  
30 certificate of veterinary inspection shall be subject to a  
31 civil penalty of not more than five thousand dollars for each  
32 reference to an animal falsified on the certificate. However,  
33 a person who falsifies a certificate issued pursuant to chapter  
34 166D shall be subject to a civil penalty as provided in this  
35 section or section 166D.16, but not both. A person shall not

1 be subject to a civil penalty totaling more than twenty-five  
2 thousand dollars for falsifying a certificate, regardless of  
3 the number of animals falsified on the certificate.

4 DIVISION IV

5 ANIMAL HEALTH — BOVINE TUBERCULOSIS

6 Sec. 26. Section 165.1, Code 2011, is amended to read as  
7 follows:

8 **165.1 Cooperation.**

9 The ~~state department of agriculture and land stewardship~~  
10 is hereby authorized to cooperate with the ~~federal~~ United  
11 States department of agriculture for the purpose of eradicating  
12 tuberculosis from the dairy and beef breeds of cattle in the  
13 state.

14 Sec. 27. Section 165.2, Code 2011, is amended to read as  
15 follows:

16 **165.2 State as accredited area.**

17 1. The state of Iowa is hereby declared to be and is hereby  
18 established as an accredited area for the eradication of bovine  
19 tuberculosis from the dairy and breeding cattle of the state.  
20 It shall be the duty of the department ~~of agriculture and~~  
21 ~~land stewardship~~ to eradicate bovine tuberculosis in all of  
22 the counties of the state in the manner provided by law as it  
23 appears in this chapter. ~~Said~~ The department shall proceed  
24 with the examination, including the tuberculin test, of all  
25 such cattle as rapidly as practicable and as is consistent  
26 with efficient work, and as funds are available for paying the  
27 indemnities as provided by law.

28 2. An owner of dairy or breeding cattle in the state  
29 shall conform to and abide by the rules ~~laid down~~ adopted by  
30 the department and rules promulgated by the federal United  
31 States department of agriculture ~~and~~. The owner shall follow  
32 their instructions of the department of agriculture and land  
33 stewardship and the United States department of agriculture  
34 designed to suppress the disease, prevent its spread, and avoid  
35 reinfection of the herd.

1     Sec. 28. Section 165.3, Code 2011, is amended to read as  
2 follows:

3     **165.3 Appraisal.**

4     Before being tested, such animals shall be appraised  
5 at their cash value for breeding, dairy, or beef purposes  
6 by the owner and a representative of the department, or a  
7 representative of the ~~federal~~ United States department of  
8 agriculture, or by the owner and both of such representatives.  
9 If these parties cannot agree as to the amount of the  
10 appraisal, there shall be appointed three competent and  
11 disinterested persons, one by the department, one by the owner,  
12 and the third by the first two appointed, to appraise such  
13 animals, which appraisal shall be final. Every appraisal shall  
14 be under oath or affirmation and the expense of the same shall  
15 be paid by the state, except as provided in this chapter.

16     Sec. 29. Section 165.12, Code 2011, is amended to read as  
17 follows:

18     **165.12 Tuberculosis-free herds.**

19     The department shall establish rules for determining when  
20 a herd of cattle, tested and maintained under the provisions  
21 of this chapter, the laws of the United States, and the rules  
22 of the ~~state department of agriculture and land stewardship~~  
23 and regulations of the federal United States department of  
24 agriculture, shall be considered as tuberculosis-free. When  
25 any herd meets such requirements, the owner shall be entitled  
26 to a certificate from the department of agriculture and land  
27 stewardship showing that the herd is a tuberculosis-free  
28 accredited herd. Such certificate shall be revoked whenever  
29 the herd no longer meets the necessary requirements for  
30 an accredited herd, but the herd may be reinstated as  
31 an accredited herd upon subsequent compliance with such  
32 requirements.

33     Sec. 30. Section 165.15, Code 2011, is amended to read as  
34 follows:

35     **165.15 Accredited veterinarian.**

1 An accredited veterinarian is one who has successfully  
2 passed an examination set by the department and the ~~federal~~  
3 United States department of agriculture and may make tuberculin  
4 tests of accredited herds of cattle under the uniform methods  
5 and rules governing accredited herd work which are approved by  
6 the United States department of agriculture.

7 DIVISION V

8 ANIMAL HEALTH — BRUCELLOSIS

9 CONTROL IN SWINE

10 Sec. 31. Section 163A.6, Code 2011, is amended to read as  
11 follows:

12 **163A.6 Exhibition swine.**

13 ~~All Iowa~~ Any breeding swine four months of age and over  
14 for exhibition within ~~the~~ this state ~~of Iowa~~ shall meet  
15 all requirements for exhibition purposes ~~and shall also be~~  
16 ~~accompanied by an official brucellosis test report showing the~~  
17 ~~swine to have been negative to the brucellosis test conducted~~  
18 ~~within sixty days of date of exhibition unless such swine are~~  
19 ~~from validated brucellosis-free herds.~~

20 Sec. 32. REPEAL. Sections 163A.2, 163A.3, 163A.4, and  
21 163A.11, Code 2011, are repealed.

22 DIVISION VI

23 ANIMAL HEALTH — CLASSICAL SWINE FEVER

24 Sec. 33. Section 159.6, subsection 4, Code 2011, is amended  
25 to read as follows:

26 4. ~~Hog-cholera~~ Classical-swine-fever virus and  
27 classical-swine-fever serum, chapter 166.

28 Sec. 34. Section 163.2, subsection 5, Code Supplement 2011,  
29 is amended to read as follows:

30 5. "*Infectious or contagious disease*" means glanders, farcy,  
31 maladie du coit (dourine), anthrax, foot and mouth disease,  
32 scabies, ~~hog-cholera~~, classical swine fever, tuberculosis,  
33 brucellosis, vesicular exanthema, scrapie, rinderpest,  
34 avian influenza or Newcastle disease as provided in chapter  
35 165B, pseudorabies as provided in chapter 166D, or any other

1 transmissible, transferable, or communicable disease so  
2 designated by the department.

3 Sec. 35. Section 163.30, subsections 7 and 10, Code  
4 Supplement 2011, are amended to read as follows:

5 7. The department may require issuance of movement  
6 permits on certain categories of swine moved, prior to their  
7 movement, pursuant to ~~departmental rule~~ rules adopted by the  
8 department. The ~~rule~~ rules shall be ~~promulgated~~ adopted when  
9 in the judgment of the secretary, such ~~movements~~ movement would  
10 otherwise threaten or imperil the eradication of ~~hog cholera~~  
11 classical swine fever in Iowa.

12 10. The use of ~~anti-hog cholera~~ anti-classical-swine-fever  
13 serum or antibody concentrate shall be in accordance with rules  
14 ~~issued~~ adopted by the department.

15 Sec. 36. Section 166.1, subsection 1, Code 2011, is amended  
16 to read as follows:

17 1. ~~The words "biological~~ "Biological products" shall  
18 include and be deemed to embrace only ~~anti-hog cholera~~  
19 anti-classical-swine-fever serum and viruses which are either  
20 virulent or nonvirulent, alive or dead.

21 Sec. 37. Section 166.16, unnumbered paragraph 1, Code 2011,  
22 is amended to read as follows:

23 ~~No~~ A person shall not sell, distribute, use, or offer  
24 to sell, distribute, or use virulent blood or virus from  
25 ~~cholera-infected hogs~~ classical-swine-fever-infected swine  
26 except for one or more of the following purposes:

27 Sec. 38. Section 166.16, subsection 4, Code 2011, is amended  
28 to read as follows:

29 4. For the purpose of manufacturing any biological products  
30 or for the purpose of producing immune ~~hogs~~ swine to be used in  
31 the production of ~~hog cholera~~ anti-classical-swine-fever serum.

32 Sec. 39. Section 166.41, Code 2011, is amended to read as  
33 follows:

34 **166.41 ~~Hog cholera~~ Classical-swine-fever vaccine prohibited**  
35 **— emergency.**

1 The sale or use of ~~hog-cholera~~ classical-swine-fever  
2 vaccine, except as provided in section 166.16, is prohibited  
3 and ~~it a person shall be unlawful to not~~ use such ~~products~~  
4 a product in ~~the this~~ state of ~~Iowa, except that.~~ However,  
5 in the case of an emergency as defined in section 166.42, a  
6 special permit for the use of vaccines may be issued by the  
7 secretary.

8 Sec. 40. Section 166.42, Code 2011, is amended to read as  
9 follows:

10 **166.42 Biological products reserve — use.**

11 1. The secretary may establish a reserve supply of  
12 biological products of approved modified live virus ~~hog-cholera~~  
13 classical-swine-fever vaccine and of ~~anti-hog-cholera~~  
14 anti-classical-swine-fever serum or its equivalent in  
15 antibody concentrate to be used as directed by the secretary  
16 in the event of an emergency resulting from a ~~hog-cholera~~  
17 classical-swine-fever outbreak. Vaccine and serum or antibody  
18 concentrate from the reserve supply, if used for such an  
19 emergency, shall be made available to swine producers at a  
20 price which will not result in a profit. Payment shall be  
21 made by the producer to the department and such vaccine shall  
22 be administered by a licensed practicing veterinarian. The  
23 secretary may cooperate with other states in the accumulation,  
24 maintenance and disbursement of such reserve supply of  
25 biological products. The secretary, with the advice and  
26 written consent of the state veterinarian, and the advice and  
27 written consent of the veterinarian-in-charge for Iowa of  
28 the animal and plant health inspection service — veterinary  
29 services, United States department of agriculture, shall  
30 determine when an emergency resulting from a ~~hog-cholera~~  
31 classical-swine-fever outbreak exists.

32 2. The secretary is authorized to sell or otherwise  
33 dispose of ~~such~~ classical-swine-fever vaccine and serum  
34 at such time as the state is declared a ~~hog-cholera-free~~  
35 classical-swine-fever-free state by the United States

1 department of agriculture, or if the potency of such vaccine  
2 and serum is in doubt. Money received under provisions of this  
3 section shall be paid into the state treasury.

4 Sec. 41. Section 166B.1, Code 2011, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 01. "*Classical swine fever*" means the  
7 contagious, infectious, and communicable disease of swine  
8 commonly known as hog cholera.

9 Sec. 42. Section 166B.1, subsection 3, Code 2011, is amended  
10 by striking the subsection.

11 Sec. 43. Section 166B.2, Code 2011, is amended to read as  
12 follows:

13 **166B.2 General authority.**

14 The department may destroy or require the destruction of any  
15 swine which the state veterinarian knows to be, or suspects is,  
16 affected with or exposed to ~~hog cholera~~ classical swine fever,  
17 whenever the department finds such destruction to be necessary  
18 to prevent or reduce the danger of the spread of ~~hog cholera~~  
19 classical swine fever. Disposal of condemned swine shall  
20 be under the supervision of a regulatory employee. Salvage  
21 of apparently healthy marketable swine is permissible as a  
22 minimum provision and may be discontinued in favor of total  
23 herd disposition with indemnification as necessary and without  
24 such salvage in any case or at any time when it is determined by  
25 the department and the United States department of agriculture  
26 that the procedure would constitute an undue threat to the  
27 eradication program. Before being condemned and ordered to  
28 be destroyed, a positive diagnosis of ~~hog cholera~~ classical  
29 swine fever affecting the herd must be confirmed by a state or  
30 federal laboratory or personnel approved by the department and  
31 the United States department of agriculture.

32 Sec. 44. Section 166B.4, Code 2011, is amended to read as  
33 follows:

34 **166B.4 Institution of indemnification.**

35 It is hereby recognized and declared that indemnification

1 for destruction of swine infected with or exposed to ~~hog~~  
2 ~~cholera~~ classical swine fever is an expression of the public  
3 policy of this state but employed only in the final stages  
4 of eradication of the disease, or as a means of preventing  
5 or minimizing its recurrence. The department ~~of agriculture~~  
6 ~~and land stewardship~~ shall not therefore institute an initial  
7 program of indemnification pursuant to the chapter until it is  
8 mutually agreed between the ~~state department of agriculture~~  
9 ~~and land stewardship~~ and the United States department of  
10 agriculture that such action is necessary in order to carry out  
11 the ~~hog-cholera~~ classical-swine-fever eradication program.

12 Sec. 45. Section 166B.5, Code 2011, is amended to read as  
13 follows:

14 **166B.5 Cooperation with United States.**

15 The department may cooperate with the United States, or  
16 any department, agency or officer thereof, in the control and  
17 eradication of ~~hog-cholera~~ classical swine fever, including the  
18 sharing in payment of indemnities for swine destroyed.

19 DIVISION VII

20 ANIMAL HEALTH — DAIRY CATTLE

21 AFFECTED WITH JOHNE'S DISEASE

22 Sec. 46. Section 165A.1, subsection 3, Code 2011, is amended  
23 to read as follows:

24 3. "*Infected*" means infected with ~~paratuberculosis~~ Johne's  
25 disease as provided in section 165A.3.

26 Sec. 47. Section 165A.1, subsection 4, Code 2011, is amended  
27 by striking the subsection and inserting in lieu thereof the  
28 following:

29 4. "*Johne's disease*" means a disease caused by the bacterium  
30 mycobacterium paratuberculosis, and which is also referred to  
31 as paratuberculosis disease.

32 Sec. 48. Section 165A.3, Code 2011, is amended to read as  
33 follows:

34 **165A.3 Determination of infection.**

35 The department shall adopt rules providing methods and

1 procedures to determine whether cattle are infected, which  
2 may include detection and analysis of ~~paratuberculosis~~  
3 Johne's disease using techniques approved by the United States  
4 department of agriculture.

5 Sec. 49. Section 165A.4, Code 2011, is amended to read as  
6 follows:

7 **165A.4 Infected cattle.**

8 ~~The owner of infected cattle shall mark the cattle by~~  
9 ~~punching the letter "C" through the right ears of the cattle~~  
10 ~~as required by the department. Cattle infected with Johne's~~  
11 ~~disease shall be accompanied by an owner-shipper statement. A~~  
12 person shall not sell infected cattle other than directly to  
13 a slaughtering establishment, or to a concentration point for  
14 sale directly to a slaughtering establishment, for immediate  
15 slaughter. Cattle ~~marked with a letter "C"~~ infected with  
16 Johne's disease that are kept at a concentration point shall be  
17 kept separate and apart.

18 DIVISION VIII

19 ANIMAL HEALTH — TREATMENT FOR SHEEP

20 Sec. 50. Section 166A.1, Code 2011, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 10. "*Treatment*" includes but is not limited  
23 to administering medication.

24 Sec. 51. Section 166A.4, Code 2011, is amended to read as  
25 follows:

26 **166A.4 Dipping Treatment.**

27 All breeding and feeding sheep offered for sale or exchange  
28 or otherwise moved or released from any premises, vehicle,  
29 or conveyance, shall, within ten days prior to exchange,  
30 release, or movement, be ~~dipped~~ treated in an approved ~~dip~~  
31 manner under the supervision of the department or the animal  
32 and plant health inspection service of the United States  
33 department of agriculture. When sheep are moved within or from  
34 a certified scabies-free area in this state, the sheep must  
35 be accompanied by a certificate of veterinary inspection as

1 provided in chapter 163. The ~~dipping~~ treatment shall not be  
2 required prior to such movement. Sheep may be moved from a  
3 premises to an approved facility for the purpose of ~~dipping~~  
4 treatment under such conditions as may be required by the rules  
5 of the department or the regulations of the animal and plant  
6 health inspection service of the United States department of  
7 agriculture. In addition, sheep are not required to be ~~dipped~~  
8 treated if moved to a livestock auction market until after  
9 sale. Sheep are not required to be ~~dipped~~ treated if consigned  
10 directly for slaughter.

11 Sec. 52. Section 166A.6, Code 2011, is amended to read as  
12 follows:

13 **166A.6 Records kept.**

14 Market operators and dealers in sheep shall use satisfactory  
15 ~~dipping facilities~~ treatment, approved by the department ~~and~~.  
16 Market operators and dealers shall maintain records which show  
17 the true origin of the sheep including name and address of the  
18 seller or consignor, number, date of receipt, date of ~~dipping~~  
19 treatment, and including all certificates, permits, waybills,  
20 and bills of lading for each consignment of sheep consigned to  
21 and leaving the market or dealer's premises. All records shall  
22 be retained for a period of one year and made available upon  
23 demand by a representative of the department.

24 Sec. 53. Section 166A.7, Code 2011, is amended to read as  
25 follows:

26 **166A.7 Slaughter without dipping treatment.**

27 Animals may be sold for slaughter without dipping treatment.  
28 Sheep when inspected at the market or dealer's premises and  
29 found free of scabies or no known exposure thereto, may be  
30 sold for slaughter purposes without ~~dipping~~ treatment if  
31 consigned directly and immediately on a slaughter affidavit to  
32 a slaughtering establishment operating under federal, state  
33 or municipal meat inspection service. ~~Such sheep shall be~~  
34 ~~identified with the letter "K" in red branding paint at least~~  
35 ~~four inches high on their back except those consigned to such~~

1 ~~slaughtering establishment by the original owner.~~

2 Sec. 54. Section 166A.8, Code 2011, is amended to read as  
3 follows:

4 **166A.8 Quarantine of infected sheep.**

5 1. Sheep found to be infected with or exposed to scabies  
6 shall be immediately ~~dipped~~ treated, as directed by and under  
7 the supervision of the department, at owner's expense. Such  
8 sheep shall remain under quarantine until released by the  
9 department, except that sheep infected with or exposed to  
10 scabies may be moved, without ~~dipping~~ treatment, directly to  
11 a slaughter establishment under federal inspection, under  
12 permit from the department. No sheep shall be moved into or  
13 within the state of Iowa for any purpose except as provided  
14 in this chapter and the ~~regulations~~ rules of the department,  
15 provided sheep may be moved without ~~dipping~~ treatment between  
16 properties owned or rented by the owner of ~~said~~ the sheep, if  
17 not moved from a noncertified scabies-free area to a certified  
18 scabies-free area.

19 2. Any person may sell or exchange sheep on the farm between  
20 November 1 and April 1 without ~~dipping~~ treatment if accompanied  
21 by a certificate from a licensed veterinarian that ~~they~~ the  
22 sheep are free from scabies issued within ten days prior to  
23 such sale or exchange until such time as the county is declared  
24 a scabies-free area.

25 Sec. 55. Section 166A.10, Code 2011, is amended to read as  
26 follows:

27 **166A.10 Restraint of movement.**

28 Sheep from noncertified scabies-free areas within this state  
29 shall not enter certified scabies-free areas unless they have  
30 been ~~dipped~~ treated in an approved ~~dip~~ manner under supervision  
31 within ten days preceding movement and satisfactory evidence  
32 of ~~dipping~~ treatment accompanies the shipment. However,  
33 such sheep may be moved into certified scabies-free areas if  
34 consigned directly to a stockyard market, auction market, or  
35 slaughter establishment, under federal inspection, provided the

1 sheep are accompanied by a certificate of veterinary inspection  
2 stating number, description, consignor, and consignee.

3 Sec. 56. Section 166A.11, subsection 1, paragraph b, Code  
4 2011, is amended to read as follows:

5 *b.* ~~Dipped~~ Treated in an approved ~~dip~~ manner within ten days  
6 prior to movement.

7 Sec. 57. REPEAL. Section 166A.5, Code 2011, is repealed.

8 DIVISION IX

9 ANIMAL HEALTH — CHRONIC WASTING

10 DISEASE AFFECTING FARM DEER

11 Sec. 58. Section 170.1, subsection 1, Code 2011, is amended  
12 to read as follows:

13 1. "*Chronic wasting disease*" means the animal disease  
14 afflicting deer, ~~and~~ elk, or moose that is a transmissible  
15 disease of the nervous system resulting in distinctive lesions  
16 in the brain and that belongs to the group of diseases that is  
17 known as transmissible spongiform encephalopathies (TSE).

18 Sec. 59. Section 170.1, subsection 4, paragraph a, Code  
19 2011, is amended to read as follows:

20 *a.* "*Farm deer*" means an animal belonging to the cervidae  
21 family and classified as part of the dama species of the dama  
22 genus, commonly referred to as fallow deer; part of the elaphus  
23 species of the cervus genus, commonly referred to as red deer  
24 or elk; part of the virginianus species of the odocoileus  
25 genus, commonly referred to as whitetail; part of the hemionus  
26 species of the odocoileus genus, commonly referred to as mule  
27 deer; ~~or~~ part of the nippon species of the cervus genus,  
28 commonly referred to as sika; or part of the alces species of  
29 the alces genus, commonly referred to as moose.

30 DIVISION X

31 ANIMAL INDUSTRY

32 Sec. 60. Section 169A.11, Code 2011, is amended to read as  
33 follows:

34 **169A.11 Publication of brands list.**

35 The secretary from time to time shall ~~cause to be published~~

1 ~~in book form~~ publish on the internet a list of all brands on  
2 record at the time of the publication. ~~The secretary may~~  
3 ~~supplement the lists from time to time.~~ The publication shall  
4 contain a facsimile of all brands recorded and the owner's name  
5 and post office address. The records shall be arranged in  
6 convenient form for reference. ~~The secretary shall deliver one~~  
7 ~~copy of the brand book and supplements to the sheriff of each~~  
8 ~~county. The books and supplements shall be delivered without~~  
9 ~~cost to the county. The books and supplements shall be public~~  
10 ~~records as provided in chapter 22. The secretary may sell the~~  
11 ~~books and supplements to the general public at the cost of~~  
12 ~~printing and mailing each book.~~

13 Sec. 61. Section 172A.1, subsection 2, Code 2011, is amended  
14 to read as follows:

15 2. "*Animals*" or "*livestock*" includes cattle, calves, swine,  
16 ~~or~~ sheep, goats, turkeys, chickens, or horses.

17 DIVISION XI

18 AGRICULTURAL MARKETING — GENERAL

19 Sec. 62. Section 189.1, unnumbered paragraph 1, Code 2011,  
20 is amended to read as follows:

21 For the purpose of this subtitle, ~~excluding chapters~~  
22 ~~203, 203C, 203D, 207, and 208,~~ unless the context otherwise  
23 requires:

24 Sec. 63. Section 189.1, subsections 1, 4, and 6, Code 2011,  
25 are amended to read as follows:

26 1. "*Article*" ~~includes~~ means food, commercial feed,  
27 agricultural seed, commercial fertilizer, drug, insecticide,  
28 fungicide, pesticide, and paint, ~~linseed oil, turpentine, and~~  
29 ~~illuminating oil,~~ in the sense in which they are defined in the  
30 various provisions of this subtitle, ~~excluding chapters 203,~~  
31 ~~203C, 203D, 207, and 208.~~

32 4. "*Package*" or "*container*", unless otherwise defined,  
33 includes wrapper, box, carton, case, basket, ~~hamper,~~ can,  
34 bottle, jar, tube, cask, vessel, tub, ~~firkin,~~ keg, jug, barrel,  
35 tank, tank car, and other receptacles of a like nature; and

1 the expression "*offered or exposed for sale or sold in package*  
2 *or wrapped form*" means the offering or exposing for sale,  
3 or selling of an article which is contained in a package or  
4 container as defined in this section.

5 6. "*Person*" includes a corporation, company, firm, society,  
6 or association; and the act, omission, or conduct of any  
7 officer, agent, or other person acting in a representative  
8 capacity shall be imputed to the organization or person  
9 represented, and the person acting in that capacity shall also  
10 be liable for violations of this subtitle, ~~excluding chapters~~  
11 ~~203, 203C, 203D, 207, and 208.~~

12 Sec. 64. Section 189.2, Code 2011, is amended to read as  
13 follows:

14 **189.2 Duties.**

15 The department shall do all of the following:

16 1. Execute and enforce this subtitle, ~~except chapter 205.~~

17 2. ~~Make and publish~~ Adopt all necessary rules, not  
18 inconsistent with law, for enforcing the provisions of this  
19 subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

20 3. Provide educational measures and exhibits, and conduct  
21 educational campaigns as are deemed advisable in fostering and  
22 promoting the production and sale of the articles dealt with  
23 in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and~~  
24 ~~208,~~ in accordance with the rules adopted pursuant to this  
25 subtitle.

26 4. Issue from time to time, bulletins showing the results of  
27 inspections, analyses, and prosecutions under this subtitle,  
28 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~ These  
29 bulletins shall be ~~printed in such numbers as may be approved~~  
30 ~~by the director of the department of administrative services~~  
31 ~~and shall be distributed to the newspapers of the state and~~  
32 ~~to all interested persons~~ posted on the department's internet  
33 site.

34 Sec. 65. Section 189.3, Code 2011, is amended to read as  
35 follows:

1     **189.3 Procuring samples.**

2     The department shall, for the purpose of examination or  
3 analysis, procure from time to time, or whenever the department  
4 has occasion to believe any of the provisions of this  
5 subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ are  
6 being violated, samples of the articles dealt with in these  
7 provisions which have been shipped into this state, offered or  
8 exposed for sale, or sold in the state.

9     Sec. 66. Section 189.4, Code 2011, is amended to read as  
10 follows:

11     **189.4 Access to factories and buildings.**

12     The department shall have full access to all places,  
13 factories, buildings, stands, or premises, and to all wagons,  
14 auto trucks, vehicles, or cars used in the preparation,  
15 production, distribution, transportation, offering or exposing  
16 for sale, or sale of any article dealt with in this subtitle,  
17 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

18     Sec. 67. Section 189.5, Code 2011, is amended to read as  
19 follows:

20     **189.5 Dealer to furnish samples.**

21     Upon request and tender of the selling price by the  
22 department any person who prepares, manufactures, offers or  
23 exposes for sale, or delivers to a purchaser any article dealt  
24 with in this subtitle, ~~excluding chapters 203, 203C, 203D,~~  
25 ~~207, and 208,~~ shall furnish, within business hours, a sample  
26 of the same, sufficient in quantity for a proper analysis  
27 or examination as shall be provided by the rules of the  
28 department.

29     Sec. 68. Section 189.6, Code 2011, is amended to read as  
30 follows:

31     **189.6 Taking of samples.**

32     The department may, without the consent of the owner,  
33 examine or open any package containing, or believed to contain,  
34 any article or product which it suspects may be prepared,  
35 manufactured, offered, or exposed for sale, sold, or held in

1 possession in violation of the provisions of this subtitle,  
2 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in order to  
3 secure a sample for analysis or examination, and the sample and  
4 damage to container shall be paid for at the current market  
5 price out of the contingent fund of the department.

6 Sec. 69. Section 189.7, Code 2011, is amended to read as  
7 follows:

8 **189.7 Preservation of sample.**

9 After the sample is taken, it shall be carefully sealed  
10 ~~with the seal of the department~~ and labeled with the name or  
11 brand of the article, the name of the party from whose stock  
12 it was taken, and the date and place of taking such sample.  
13 Upon request a duplicate sample, sealed and labeled in the  
14 same manner, shall be delivered to the person from whose stock  
15 the sample was taken. The label and duplicate shall be signed  
16 by the person taking the same. The method of taking samples  
17 of particular articles may be prescribed by the rules of the  
18 department.

19 Sec. 70. Section 189.8, Code 2011, is amended to read as  
20 follows:

21 **189.8 Witnesses.**

22 In the enforcement of the provisions of this subtitle,  
23 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ the  
24 department shall have power to issue subpoenas for witnesses,  
25 enforce their attendance, and examine them under oath. The  
26 witnesses shall be allowed the same fees as witnesses in  
27 district court. The fees shall be paid out of the contingent  
28 fund of the department.

29 Sec. 71. Section 189.9, subsection 1, unnumbered paragraph  
30 1, Code 2011, is amended to read as follows:

31 All articles in package or wrapped form which are required  
32 by this subtitle, ~~excluding chapters 203, 203C, 203D, 207,~~  
33 ~~and 208,~~ to be labeled, unless otherwise provided, shall be  
34 conspicuously marked in the English language in legible letters  
35 ~~of not less than eight point heavy gothic caps~~ on the principal

1 label with the following items:

2 Sec. 72. Section 189.11, Code 2011, is amended to read as  
3 follows:

4 **189.11 Labeling of mixtures — federal requirements.**

5 1. In addition to the requirements of section 189.9, unless  
6 otherwise provided, articles which are mixtures, compounds,  
7 combinations, blends, or imitations shall be marked as such  
8 and immediately followed, without any intervening matter and  
9 in the same size and style of type, by the names of all the  
10 ingredients contained therein, beginning with the one present  
11 in the largest proportion.

12 2. Notwithstanding any other requirements of this  
13 chapter or of chapter 190, ~~foods and~~ food or food products,  
14 or pesticides, labeled in conformance with the labeling  
15 requirements of the government of the United States shall be  
16 deemed to be labeled in conformance with the laws of the state  
17 of Iowa.

18 Sec. 73. Section 189.13, Code 2011, is amended to read as  
19 follows:

20 **189.13 False labels — defacement.**

21 A person shall not use any label required by this subtitle,  
22 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ which bears  
23 any representations of any kind which are deceptive as to the  
24 true character of the article or the place of its production,  
25 or which has been carelessly printed or marked, nor shall any  
26 person erase or deface any label required by this subtitle,  
27 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

28 Sec. 74. Section 189.14, subsection 1, Code 2011, is amended  
29 to read as follows:

30 1. A person shall not knowingly introduce into this state,  
31 solicit orders for, deliver, transport, or have in possession  
32 with intent to sell, any article which is labeled in any  
33 other manner than that prescribed by this subtitle, ~~excluding~~  
34 ~~chapters 203, 203C, 203D, 207, and 208,~~ for the label of the  
35 article when offered or exposed for sale, or sold in package

1 or wrapped form in this state.

2 Sec. 75. Section 189.15, Code 2011, is amended to read as  
3 follows:

4 **189.15 Adulterated articles.**

5 A person shall not knowingly manufacture, introduce into  
6 the state, solicit orders for, sell, deliver, transport, have  
7 in possession with the intent to sell, or offer or expose  
8 for sale, any article which is adulterated according to the  
9 provisions of this subtitle, ~~excluding chapters 203, 203C,~~  
10 ~~203D, 207, and 208.~~

11 Sec. 76. Section 189.19, unnumbered paragraph 1, Code 2011,  
12 is amended to read as follows:

13 The following provisions apply to all licenses issued or  
14 authorized under this subtitle, ~~excluding chapters 203, 203C,~~  
15 ~~203D, 207, and 208:~~

16 Sec. 77. Section 189.19, subsection 2, Code 2011, is amended  
17 to read as follows:

18 2. *Refusal and revocation.* For good and sufficient grounds  
19 the department may refuse to grant a license to any applicant;  
20 and ~~it~~ the department may revoke a license for a violation  
21 of any provision of this subtitle, ~~excluding chapters 203,~~  
22 ~~203C, 203D, 207, and 208,~~ or for the refusal or failure of any  
23 licensee to obey the lawful directions of the department.

24 Sec. 78. Section 189.20, Code 2011, is amended to read as  
25 follows:

26 **189.20 Injunction.**

27 Any person engaging in any business for which a license is  
28 required by this subtitle, ~~excluding chapters 203, 203C, 203D,~~  
29 ~~207, and 208,~~ without obtaining such license, may be restrained  
30 by injunction, and shall pay all costs made necessary by such  
31 procedure.

32 Sec. 79. Section 189.21, Code 2011, is amended to read as  
33 follows:

34 **189.21 Penalty.**

35 Unless otherwise provided, any person violating any

1 provision of this subtitle, ~~excluding chapters 203, 203C, 203D,~~  
2 ~~207, and 208,~~ or any rule adopted by the department pursuant to  
3 such a provision, is guilty of a simple misdemeanor.

4 Sec. 80. Section 189.23, Code 2011, is amended to read as  
5 follows:

6 **189.23 Common carrier.**

7 The penalties provided in this subtitle, ~~excluding chapters~~  
8 ~~203, 203C, 203D, 207, and 208,~~ shall not be imposed upon any  
9 common carrier for introducing into the state, or having in  
10 its possession, any article which is adulterated or improperly  
11 labeled according to the provisions of this subtitle, ~~excluding~~  
12 ~~chapters 203, 203C, 203D, 207, and 208,~~ when the same was  
13 received by the carrier for transportation in the ordinary  
14 course of its business and without actual knowledge of its true  
15 character.

16 Sec. 81. Section 189.24, Code 2011, is amended to read as  
17 follows:

18 **189.24 Report of violations.**

19 When it appears that any of the provisions of this subtitle,  
20 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ have been  
21 violated, the department ~~shall at once~~ may certify the facts  
22 to the proper county attorney, The certification shall  
23 be accompanied with a copy of the results of any analysis,  
24 examination, or inspection the department may have made,  
25 duly authenticated by the proper person under oath, and with  
26 any additional evidence which may be in possession of the  
27 department.

28 Sec. 82. Section 189.28, Code 2011, is amended to read as  
29 follows:

30 **189.28 Goods for sale in other states.**

31 Any person may keep articles specifically set apart in the  
32 person's stock for sale in other states which do not comply  
33 with the provisions of this subtitle, ~~excluding chapters 203,~~  
34 ~~203C, 203D, 207, and 208,~~ as to standards, purity, or labeling.

35 Sec. 83. Section 189.29, Code 2011, is amended to read as

1 follows:

2 **189.29 Reports by dealers.**

3 Every person who deals in or manufactures any of the articles  
4 dealt with in this subtitle, ~~excluding chapters 203, 203C,~~  
5 ~~203D, 207, and 208,~~ shall make upon blanks furnished by the  
6 department such reports and furnish such statistics as may be  
7 required by the department and certify to the correctness of  
8 the same.

9 Sec. 84. CODE EDITOR DIRECTIVE. The Iowa Code editor shall  
10 eliminate footnotes in Code chapter 189 which refer to the  
11 movement of chapters 203, 203C, 203D, 207, and 208 to title V,  
12 subtitle 4.

13 DIVISION XII

14 AGRICULTURAL MARKETING — GRAIN DEALER REGULATION

15 Sec. 85. Section 203.1, subsection 9, Code 2011, is amended  
16 by striking the subsection and inserting in lieu thereof the  
17 following:

18 9. "*Grain*" means any grain for which the United States  
19 department of agriculture has established standards pursuant to  
20 the United States Grain Standards Act, 7 U.S.C. ch. 3.

21 Sec. 86. Section 203.1, Code 2011, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 13A. "*United States Warehouse Act*" means  
24 the United States Warehouse Act, 7 U.S.C. ch. 10.

25 Sec. 87. Section 203.2A, Code 2011, is amended to read as  
26 follows:

27 ~~203.2A Notice requirement for grain~~ Grain purchasers who are  
28 not licensed grain dealers — special notice requirements.

29 1. A This section applies to a person shall not purchase  
30 who is not required to be issued a license as a grain dealer  
31 pursuant to section 203.3. The person shall not purchase grain  
32 from a producer for purposes of resale, milling, feeding, or  
33 processing, unless one of the following applies:.

34 ~~1. 2. The person is a grain dealer licensed pursuant~~  
35 ~~to section 203.3. Subsection 1 does not apply to any of the~~

1 following:

2 2. a. ~~The A person has purchased~~ who purchases less than  
3 fifty thousand bushels of grain from all producers in the  
4 twelve months prior to purchasing grain from the producer.

5 3. ~~a.~~ b. ~~The A person provides~~ who provides notice to the  
6 producer as provided in subsection 3.

7 3. a. The notice ~~shall~~ must be in the following form:

8 ~~ATTENTION TO PRODUCERS:~~

9 ~~THE PERSON PURCHASING THIS GRAIN IS NOT A LICENSED GRAIN~~  
10 ~~DEALER AND THIS IS NOT A COVERED TRANSACTION ELIGIBLE FOR~~  
11 ~~INDEMNIFICATION FROM THE GRAIN DEPOSITORS AND SELLERS INDEMNITY~~  
12 ~~FUND AS PROVIDED IN IOWA CODE SECTION 203D.3~~

13 Attention to Producers:

14 The person purchasing this grain is not a licensed grain  
15 dealer and this is not a covered transaction eligible for  
16 indemnification from the grain dealers and sellers indemnity  
17 fund as provided in Iowa Code section 203D.3

18 b. The notice ~~shall~~ must be provided to the producer prior  
19 to or at the time of the purchase. The notice may appear on  
20 a separate statement or as part of a document received by the  
21 producer, including a contract or receipt, as required by the  
22 department.

23 c. ~~The form of the notice shall be prescribed by the~~  
24 ~~department.~~ The notice ~~shall~~ must appear in a printed boldface  
25 font in at least ten point type.

26 Sec. 88. Section 203.5, subsection 7, Code 2011, is amended  
27 to read as follows:

28 7. ~~If~~ The department may deny a license to an applicant,  
29 if the applicant has had a license issued under this chapter  
30 or chapter 203C revoked ~~for cause~~ within the past three years,  
31 ~~or~~ the applicant has been convicted of a felony involving  
32 ~~violations~~ a violation of this chapter or chapter 203C, or ~~is~~  
33 the applicant is owned or controlled by a person who has had a  
34 license so revoked or who has been so convicted, ~~the department~~  
35 ~~may deny a license to the applicant.~~

1     Sec. 89. Section 203.9, Code 2011, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 4. The department may suspend or revoke  
4 the license of a grain dealer for failing to consent to a  
5 departmental inspection or cooperate with the department during  
6 an inspection as provided in this chapter.

7     Sec. 90. Section 203.10, Code 2011, is amended to read as  
8 follows:

9     **203.10 ~~Suspension or revocation of~~ Action affecting a**  
10 **license.**

11     1. The cessation of a grain dealer's license occurs from any  
12 of the following:

13     a. The revocation of the license by the department as  
14 provided in subsection 2.

15     b. The cancellation of the license as provided in section  
16 203.5.

17     c. The expiration of the license according to the terms  
18 of the license as provided in this chapter, including a rule  
19 adopted in accordance with this chapter, pursuant to chapter  
20 17A.

21     2. The department may issue an order to suspend or revoke  
22 the license of a grain dealer who violates a provision of this  
23 chapter, including a rule adopted under in accordance with  
24 this chapter, as provided in pursuant to chapter 17A. If a  
25 grain dealer fails to consent to a departmental inspection  
26 or cooperate with the department during an inspection as  
27 provided in section 203.9, the department may issue an order  
28 to immediately suspend or revoke the grain dealer's license  
29 pursuant to section 17A.18.

30     Sec. 91. Section 203.12, Code 2011, is amended to read as  
31 follows:

32     **203.12 Claims — cessation of a license and notice of license**  
33 **revocation.**

34     1. Upon revocation, termination, or the cessation of a  
35 grain dealer license by revocation, cancellation, of a grain

1 ~~dealer license or expiration~~, any claim for the purchase price  
2 of grain against the grain dealer shall be made in writing  
3 and filed with the grain dealer and with the issuer of a  
4 deficiency bond or of an irrevocable letter of credit and with  
5 the department within one hundred twenty days after ~~revocation,~~  
6 ~~termination, or cancellation~~ the date of the cessation.

7 ~~Failure~~ A failure to make this timely claim relieves the issuer  
8 and the grain depositors and sellers indemnity fund provided in  
9 chapter 203D of all obligations to the claimant.

10 2. Upon the revocation of a grain dealer license, the  
11 department shall cause notice of the revocation to be published  
12 once each week for two consecutive weeks in a newspaper of  
13 general circulation within the state of Iowa and in a newspaper  
14 of general circulation within the county of the grain dealer's  
15 principal place of business when that dealer's principal place  
16 of business is located in the state of Iowa. The notice  
17 shall state the name and address of the grain dealer and the  
18 effective date of revocation. The notice shall also state that  
19 any claims against the grain dealer shall be made in writing  
20 and sent by ordinary mail or delivered personally within one  
21 hundred twenty days after revocation to the grain dealer, to  
22 the issuer of a deficiency bond or of an irrevocable letter of  
23 credit, and to the department, and the notice shall state that  
24 the failure to make a timely claim does not relieve the grain  
25 dealer from liability to the claimant.

26 Sec. 92. Section 203.12A, subsection 5, Code 2011, is  
27 amended to read as follows:

28 5. The Iowa grain indemnity fund board, shall upon written  
29 demand of the grain dealer, shall file a termination statement  
30 with the secretary of state, ~~if the license of the grain dealer~~  
31 ~~is not revoked, terminated, or canceled~~ after one hundred  
32 eighty days from the date that the lien is perfected the grain  
33 dealer's license has not ceased by revocation, cancellation, or  
34 expiration. Upon filing the termination statement, the lien  
35 becomes unperfected. The board shall also deliver a copy of

1 the termination statement to the grain dealer.

2 Sec. 93. Section 203.12B, subsection 7, paragraph c, Code  
3 2011, is amended to read as follows:

4 c. Not have had a grain dealer's license issued pursuant  
5 to section 203.3 suspended or revoked as provided in section  
6 203.10.

7 Sec. 94. Section 203.15, subsection 3, Code 2011, is amended  
8 to read as follows:

9 3. Title to all grain sold by a credit-sale contract is  
10 in the purchasing grain dealer as of the time the contract is  
11 executed, unless the contract provides otherwise. The contract  
12 must be signed and dated by both parties and executed in  
13 duplicate. One copy shall be retained by the grain dealer and  
14 one copy shall be delivered to the seller. Upon ~~revocation,~~  
15 ~~termination, or cancellation~~ the cessation of the grain  
16 dealer's license by revocation, cancellation, or expiration,  
17 the payment date for all credit-sale contracts shall be  
18 advanced to a date not later than thirty days after the  
19 effective date of the ~~revocation, termination, or cancellation~~  
20 cessation, and the purchase price for all unpriced grain  
21 shall be determined as of the effective date of ~~revocation,~~  
22 ~~termination, or cancellation~~ the cessation in accordance with  
23 all other provisions of the contract. However, if the business  
24 of the grain dealer is sold to another licensed grain dealer,  
25 credit-sale contracts may be assigned to the purchaser of the  
26 business.

27 Sec. 95. Section 203.15, subsection 4, paragraph b, Code  
28 2011, is amended to read as follows:

29 b. A grain dealer who is also a warehouse operator  
30 licensed by the department under chapter 203C or the United  
31 States department of agriculture under the United States  
32 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ and who does not have  
33 a sufficient quantity or quality of grain to satisfy the  
34 warehouse operator's obligations based on an examination by  
35 the department or the United States department of agriculture

1 shall not purchase grain on credit-sale contract to correct the  
2 shortage of grain.

3 Sec. 96. Section 203.15, subsection 4, paragraph c,  
4 subparagraph (2), subparagraph division (c), Code 2011, is  
5 amended to read as follows:

6 (c) If an adequate replacement bond is not received by the  
7 department within sixty days of the issuance of the notice  
8 of cancellation, the department shall ~~automatically~~ suspend  
9 the grain dealer's license. The department shall cause an  
10 inspection of the licensed grain dealer immediately at the  
11 end of the sixty-day period. If a replacement bond is not  
12 filed within another thirty days following the suspension, the  
13 department shall revoke the grain dealer's license shall  
14 ~~be automatically revoked.~~

15 Sec. 97. Section 203.15, subsection 5, unnumbered paragraph  
16 1, Code 2011, is amended to read as follows:

17 The department may ~~adopt rules to~~ suspend the right of a  
18 grain dealer to purchase grain by credit-sale contract based on  
19 any of the following conditions:

20 Sec. 98. Section 203.15, subsection 5, paragraphs a and b,  
21 Code 2011, are amended to read as follows:

22 a. The grain dealer who is also a warehouse operator  
23 licensed by the department under chapter 203C or the United  
24 States department of agriculture under the United States  
25 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ does not have a  
26 sufficient quantity or quality of grain to satisfy the  
27 warehouse operator's obligations based on an examination by the  
28 department or the United States department of agriculture.

29 b. The grain dealer who is also a warehouse operator  
30 licensed by the department under chapter 203C or the United  
31 States department of agriculture under the United States  
32 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ issues back to the  
33 grain dealer a warehouse receipt for purposes of providing  
34 collateral, if the grain which is the subject of the warehouse  
35 receipt was purchased on credit and is unpaid for by the grain

1 dealer.

2

DIVISION XIII

3

AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION

4

Sec. 99. Section 203C.1, subsection 11, Code 2011, is

5

amended by striking the subsection and inserting in lieu

6

thereof the following:

7

11. *“Grain”* means the same as defined in section 203.1.

8

Sec. 100. Section 203C.1, Code 2011, is amended by adding

9

the following new subsection:

10

NEW SUBSECTION. 25A. *“United States Warehouse Act”* means

11

the same as defined in section 203.1.

12

Sec. 101. Section 203C.1, subsection 26, Code 2011, is

13

amended to read as follows:

14

26. *“Unlicensed warehouse operator”* means a warehouse

15

operator who retains grain in the warehouse not to exceed

16

thirty days and is not licensed under the provisions of this

17

chapter or ~~Tit. VII, U.S.C.~~ the United States Warehouse Act.

18

Sec. 102. Section 203C.6, subsection 7, Code 2011, is

19

amended to read as follows:

20

7. ~~If~~ The department may deny a license to an applicant,

21

if the applicant has had a license issued under chapter 203 or

22

this chapter revoked ~~for cause~~ within the past three years,

23

~~or the applicant~~ has been convicted of a felony involving

24

violations of chapter 203 or this chapter, or the applicant

25

is owned or controlled by a person who has had a license so

26

revoked or who has been so convicted, ~~the department may deny a~~

27

~~license to the applicant.~~

28

Sec. 103. Section 203C.10, Code 2011, is amended to read as

29

follows:

30

~~203C.10 Suspension or revocation of~~ Action affecting a

31

~~license.~~

32

1. The cessation of a warehouse operator's license occurs

33

from any of the following:

34

a. The revocation of the license by the department as

35

provided in subsection 2.

1 b. The cancellation of the license as provided in section  
2 203C.37.

3 c. The expiration of the license according to the terms  
4 of the license as provided in this chapter, including a rule  
5 adopted in accordance with this chapter, pursuant to chapter  
6 17A.

7 2. The department may issue an order to suspend or revoke  
8 the license of a warehouse operator who violates a provision  
9 of this chapter, including a rule adopted under in accordance  
10 with this chapter, as provided in pursuant to chapter 17A.

11 ~~If a warehouse operator fails to consent to a departmental~~  
12 ~~inspection during an inspection as provided in section 203C.2,~~  
13 ~~the department may issue an order to immediately suspend or~~  
14 ~~revoke the grain dealer's license pursuant to section 17A.18.~~

15 Sec. 104. Section 203C.11, subsection 1, Code 2011, is  
16 amended by striking the subsection and inserting in lieu  
17 thereof the following:

18 1. The department shall proceed under section 203C.15 if it  
19 has cause to believe that a licensed warehouse operator does  
20 not provide for and carry an insurance policy as required in  
21 that section.

22 Sec. 105. Section 203C.12A, subsection 5, Code 2011, is  
23 amended to read as follows:

24 5. The Iowa grain indemnity fund board shall upon written  
25 demand of the warehouse operator file a termination statement  
26 with the secretary of state, ~~if the license of the warehouse~~  
27 ~~operator is not revoked, terminated, or canceled after one~~  
28 ~~hundred eighty days from the date that the lien is perfected~~  
29 the warehouse operator's license has not ceased by revocation,  
30 cancellation, or expiration. Upon filing the termination  
31 statement, the lien becomes unperfected. The board shall also  
32 deliver a copy of the termination statement to the warehouse  
33 operator.

34 Sec. 106. Section 203C.13, subsection 3, Code 2011, is  
35 amended to read as follows:

1 3. A bond, deficiency bond, or irrevocable letter of credit  
2 on agricultural products other than bulk grain shall not be  
3 canceled by the issuer on less than one hundred twenty days'  
4 notice by certified mail to the department and the principal.  
5 When the department receives notice from an issuer that it has  
6 canceled the bond, deficiency bond, or irrevocable letter of  
7 credit on agricultural products other than bulk grain of a  
8 warehouse operator, the department shall ~~automatically~~ suspend  
9 the warehouse operator's authorization to store or accept for  
10 storage agricultural products other than bulk grain if a new  
11 bond, deficiency bond, or irrevocable letter of credit is not  
12 received by the department within sixty days of the issuance of  
13 the notice of cancellation. The department shall conduct an  
14 inspection of the licensee's warehouse immediately at the end  
15 of the sixty-day period. If a new bond, deficiency bond, or  
16 irrevocable letter of credit is not provided within ninety days  
17 of the issuance of the notice of cancellation, the department  
18 shall revoke the warehouse operator's authorization to store  
19 or accept for storage agricultural products other than bulk  
20 grain. The department shall conduct a further inspection of  
21 the licensee's warehouse after the ninety-day period. When  
22 an authorization to store or accept for storage agricultural  
23 products other than bulk grain is revoked, the department  
24 shall give notice of the revocation to all known persons who  
25 have agricultural products other than bulk grain in storage,  
26 and shall notify them that the agricultural products other  
27 than bulk grain must be removed from the warehouse not later  
28 than one hundred twenty days after the issuance of the notice  
29 of cancellation. The revocation notice shall be sent by  
30 ordinary mail to the last known address of each person having  
31 agricultural products other than bulk grain in storage. The  
32 department shall cause a final inspection of the licensee's  
33 warehouse after the end of the one hundred twenty-day period.

34 Sec. 107. Section 203C.14, Code 2011, is amended to read as  
35 follows:

1     **203C.14 Suit — claims — notice of revocation.**

2     1. A person injured by the breach of an obligation of a  
3 warehouse operator, for the performance of which a bond on  
4 agricultural products other than bulk grain, a deficiency  
5 bond, or an irrevocable letter of credit has been given under  
6 any of the provisions of this chapter, may sue on the bond on  
7 agricultural products other than bulk grain, deficiency bond,  
8 or irrevocable letter of credit in the person's own name in  
9 a court of competent jurisdiction to recover any damages the  
10 person has sustained by reason of the breach.

11     2. Upon ~~revocation, termination, or cancellation of a~~  
12 ~~warehouse license, a~~ the cessation of a warehouse operator's  
13 license due to revocation, cancellation, or expiration, a claim  
14 against the warehouse operator arising under this chapter  
15 shall be made in writing with the warehouse operator, with  
16 the issuer of a bond on agricultural products other than bulk  
17 grain, a deficiency bond, or an irrevocable letter of credit,  
18 and, if the claim relates to bulk grain, with the department.  
19 The claim must be made within one hundred twenty days after  
20 ~~revocation, termination, or cancellation~~ the cessation of the  
21 license. ~~Failure~~ The failure to make a timely claim relieves  
22 the issuer and, if the claim relates to bulk grain, the grain  
23 depositors and sellers indemnity fund provided in chapter 203D  
24 of all obligations to the claimant.

25     3. Upon revocation of a warehouse license, the department  
26 shall cause notice of the revocation to be published once  
27 each week for two consecutive weeks in a newspaper of general  
28 circulation in each of the counties in which the licensee  
29 maintains a business location and in a newspaper of general  
30 circulation within the state. The notice shall state the name  
31 and address of the warehouse operator and the effective date  
32 of revocation. The notice shall also state that any claims  
33 against the warehouse operator shall be made in writing and  
34 sent by ordinary mail to the warehouse operator, to the issuer  
35 of a bond on agricultural products other than bulk grain,

1 deficiency bond, or an irrevocable letter of credit, and to the  
2 department within one hundred twenty days after revocation,  
3 and the notice shall state that the failure to make a timely  
4 claim does not relieve the warehouse operator from liability to  
5 the claimant. This paragraph does not apply if a receiver is  
6 appointed as provided in this chapter pursuant to a petition  
7 which is filed by the department prior to the expiration of  
8 one hundred twenty days after revocation, termination, or  
9 cancellation of the license.

10 Sec. 108. Section 203C.15, subsection 1, unnumbered  
11 paragraph 1, Code 2011, is amended to read as follows:

12 All A warehouse operator shall maintain insurance coverage  
13 as provided in this section. In order to maintain insurance  
14 coverage, all agricultural products in storage in a licensed  
15 warehouse and all agricultural products which have been  
16 deposited temporarily in a licensed warehouse pending storage  
17 or for purposes other than storage, shall be kept fully insured  
18 by the warehouse operator as provided in this section for the  
19 current value of the agricultural products against loss by  
20 fire, inherent explosion, or windstorm, or any other similar  
21 catastrophe designated by rules which may be adopted by the  
22 department.

23 Sec. 109. Section 203C.15, subsection 1, paragraphs a and b,  
24 Code 2011, are amended by striking the paragraphs.

25 Sec. 110. Section 203C.15, Code 2011, is amended by adding  
26 the following new subsections:

27 NEW SUBSECTION. 1A. The insurance coverage required  
28 in subsection 1 shall be carried by one or more insurance  
29 companies. Such an insurance company must be all of the  
30 following:

31 a. Organized or operating under the laws of this state or  
32 authorized by the laws of this state to do business in this  
33 state.

34 b. An insurer of agricultural products in this state as  
35 provided in subsection 1.

1     NEW SUBSECTION. 1B. Insurance coverage may be terminated by  
2 its expiration without renewal, or canceled by the insurance  
3 company on its own volition or as a result of an action or  
4 inaction by the insured licensed warehouse operator.

5     NEW SUBSECTION. 1C. A licensed warehouse operator shall  
6 be responsible for providing the department with all of the  
7 following:

8     *a.* Evidence of insurance coverage as required in subsection  
9 1A that is an insurance policy or other document approved by  
10 the department which evidences property and casualty insurance.

11    *b.* Proof of insurance which verifies that evidence of  
12 insurance coverage submitted by a licensed warehouse operator  
13 complies with subsection 1.

14    NEW SUBSECTION. 1D. A warehouse operator must submit  
15 evidence of insurance coverage with the department as required  
16 by the department. The department must approve the evidence of  
17 insurance coverage before the department files it. A warehouse  
18 operator shall not be issued a license or retain a license  
19 unless evidence of insurance coverage is on file with the  
20 department.

21    NEW SUBSECTION. 1E. The department may demand proof  
22 of insurance coverage by the licensed warehouse operator,  
23 regardless of whether the department has previously approved  
24 proof of insurance or approved or filed evidence of insurance  
25 coverage. The demand must be in writing and must explain the  
26 department's enforcement action resulting from the warehouse  
27 operator's noncompliance.

28    *a.* The licensed warehouse operator may comply to the demand  
29 by doing any of the following:

30    (1) Assuring the department that existing evidence of  
31 insurance coverage filed with the department complies with the  
32 requirements of this section.

33    (2) Obtaining additional or new insurance coverage. The  
34 licensed warehouse operator must submit and the department must  
35 approve and file the supplemental or new evidence of insurance

1 coverage necessary to comply with the requirements of this  
2 section.

3 *b.* If the licensed warehouse operator fails to comply with  
4 the requirements of the demand letter as set out in paragraph  
5 "a", the department shall take enforcement action as follows:

6 (1) Thirty days after delivering the demand letter to the  
7 licensed warehouse operator, the department shall suspend the  
8 warehouse license.

9 (2) Forty days after delivering the demand letter to the  
10 licensed warehouse operator, the department shall revoke the  
11 warehouse license.

12 *c.* The department may inspect a licensed warehouse at any  
13 time.

14 *d.* The department shall terminate an enforcement action as  
15 provided in paragraph "b", if the licensed warehouse operator  
16 submits any proof of insurance or supplemental or new evidence  
17 of insurance which the department approves. However, this  
18 paragraph "d" applies only if the licensed warehouse operator  
19 submits the proof of insurance or evidence of insurance prior  
20 to the effective date of the revocation.

21 NEW SUBSECTION. 1F. An insurance company shall not cancel  
22 insurance coverage unless any of the following applies:

23 *a.* The insurance company provides the department and the  
24 licensed warehouse operator with at least ninety days' notice  
25 of cancellation by mail.

26 *b.* The insurance coverage is renewed or replaced by the  
27 licensed warehouse operator, and the department has approved  
28 and filed the evidence of insurance coverage at the time  
29 that the department would have received the mailed notice of  
30 cancellation.

31 NEW SUBSECTION. 1G. The department shall take enforcement  
32 action against a licensed warehouse whose insurance coverage  
33 has been terminated by cancellation or expiration.

34 *a.* The department shall suspend the warehouse license. The  
35 suspension shall take effect on the date that the insurance

1 coverage terminates. However, the department shall terminate  
2 the suspension if the licensed warehouse operator submits  
3 proof of insurance or any renewed or new evidence of insurance  
4 coverage to the department. In addition, all of the following  
5 requirements apply:

6 (1) The department must receive the proof of insurance  
7 or evidence of insurance coverage within ten days after the  
8 effective date of the suspension.

9 (2) The department must approve the proof of insurance or  
10 evidence of insurance coverage.

11 b. The department shall revoke the warehouse license. The  
12 revocation shall take effect eleven days after the effective  
13 date of the suspension, unless the suspension is terminated as  
14 provided in paragraph "a".

15 Sec. 111. Section 203C.16, subsection 1, Code 2011, is  
16 amended to read as follows:

17 1. The acceptance and storage of bulk grain by a person  
18 bonded and licensed under the ~~provisions of a federal law, to~~  
19 ~~the extent that the person is authorized under federal law~~  
20 ~~to accept and store bulk grain~~ United States Warehouse Act.  
21 ~~However, the person shall comply with all other provisions of~~  
22 ~~this chapter which do not conflict with such federal law.~~

23 Sec. 112. Section 203C.17, subsection 8, paragraphs a and c,  
24 Code 2011, are amended to read as follows:

25 a. Every At least once each year, a licensed warehouse  
26 operator shall, ~~on or before July 1 of each year,~~ send a  
27 statement ~~for~~ to each holder of a warehouse receipt covering  
28 grain ~~held~~ stored at the licensed warehouse operator's licensed  
29 warehouse for more than one year ~~at that warehouse to.~~ The  
30 statement shall be delivered in person or mailed to the  
31 holder's last known address. The statement shall show the  
32 amount of all grain ~~held~~ stored pursuant to a warehouse receipt  
33 for such warehouse receipt holder and the amount of any storage  
34 charges held by the licensed warehouse operator against that  
35 grain. ~~However, a licensed warehouse operator need not prepare~~

1 ~~this annual statement for a holder of a warehouse receipt,~~  
2 ~~if the licensed warehouse operator prepares such statements~~  
3 ~~monthly, quarterly or for any other period more frequent than~~  
4 ~~annually.~~

5 c. Violation A violation of this section shall not  
6 constitute grounds for the suspension, or revocation, ~~or~~  
7 ~~modification~~ of the a warehouse operator's license of anyone  
8 ~~licensed under this chapter.~~

9 Sec. 113. Section 203C.18, subsection 1, paragraph c, Code  
10 2011, is amended to read as follows:

11 c. A statement that the receipt is issued subject to the  
12 ~~Iowa warehouse Act and the rules and regulations prescribed~~  
13 ~~pursuant to this chapter.~~

14 Sec. 114. Section 203C.18, subsection 3, Code 2011, is  
15 amended to read as follows:

16 3. ~~Forms~~ A form for a warehouse ~~receipts~~ receipt shall only  
17 be printed by a person approved by the department. A form  
18 for a warehouse receipt shall be printed in accordance with  
19 specifications set forth by the department. A ~~form~~ warehouse  
20 operator shall surrender to the department all forms for a  
21 warehouse receipt receipts that ~~is~~ are unused at the time that  
22 a the warehouse operator's license ~~is canceled, suspended,~~  
23 ~~revoked, or terminated shall be surrendered to the department~~  
24 ceases due to revocation, cancellation, or expiration. The  
25 warehouse operator shall surrender the warehouse receipts in a  
26 manner required by the department.

27 Sec. 115. Section 203C.30, Code 2011, is amended to read as  
28 follows:

29 **203C.30 Inspecting and grading.**

30 ~~Grain, flaxseed,~~ or any other fungible agricultural product  
31 stored in a warehouse licensed under this chapter for which no  
32 separate compartment is provided, and its identity preserved,  
33 shall be inspected and graded.

34 Sec. 116. Section 203C.39, Code 2011, is amended to read as  
35 follows:

1     **203C.39 Grain stored in another warehouse.**

2     A licensed warehouse operator may store grain in ~~any other an~~  
3 alternative warehouse located in Iowa ~~licensed in accordance~~  
4 ~~with section 203C.6 or the United States Warehouse Act,~~ 7  
5 ~~U.S.C. ch. 10, subject to the following conditions:~~ or another  
6 state as provided in this section.

7     1. a. The alternative warehouse located in Iowa must be  
8 another licensed warehouse or a warehouse licensed pursuant to  
9 the United States Warehouse Act.

10    b. The alternative warehouse located in another state must  
11 be licensed pursuant to the applicable laws of the state in  
12 which the alternative warehouse is located or the United States  
13 Warehouse Act. A warehouse operator shall not store grain  
14 in an alternative warehouse located in another state, unless  
15 approved in writing by the department in a manner required by  
16 the department.

17    2. In storing grain in an alternative warehouse under  
18 subsection 1, all of the following requirements apply:

19    a. The warehouse operator must obtain from such warehouse  
20 operator a nonnegotiable warehouse receipt and such receipt  
21 must show clearly the following notation:  
22 ~~"Held~~ Held in trust for depositors ~~of~~ of (name of original  
23 receiving warehouse).

24    ~~2. b.~~ When the licensed warehouse operator begins to use  
25 the ~~additional facilities described in this section~~ alternative  
26 warehouse, the licensed warehouse operator must have sufficient  
27 net worth under section 203C.6 or provide a deficiency bond or  
28 an irrevocable letter of credit to cover the increase in the  
29 licensed warehouse operator's gross capacity.

30    3. A licensed warehouse operator may transfer grain for  
31 storage to another licensed warehouse operator while the  
32 warehouse operator receiving such grain has grain stored  
33 elsewhere under the provisions of this section.

34    Sec. 117. REPEAL. Section 203C.27, Code 2011, is repealed.

35

DIVISION XIV



1 follows:

2 The department shall adopt rules providing for the  
3 program requirements which ~~shall at least~~ may include the  
4 safe handling, application, and storage of pesticides, the  
5 correct calibration of equipment used for the application of  
6 pesticides, and the effects of pesticides upon the groundwater.

7 Sec. 123. Section 206.5, subsection 7, paragraph c, Code  
8 2011, is amended by striking the paragraph.

9 Sec. 124. Section 206.6, subsection 5, paragraph c, Code  
10 2011, is amended to read as follows:

11 c. The secretary shall issue a commercial applicator  
12 license limited to the classifications for which the applicant  
13 is qualified, which shall expire ~~at the end of the calendar~~  
14 ~~year of issue~~ as provided in section 206.5, unless it has  
15 been revoked or suspended by the secretary for cause. The  
16 secretary may limit the license of the applicant to the use of  
17 certain pesticides, or to certain areas, or to certain types of  
18 equipment if the applicant is only so qualified. If a license  
19 is not issued as applied for, the secretary shall inform the  
20 applicant in writing of the reasons.

21 Sec. 125. APPLICABILITY — CURRENT CERTIFICATIONS.  
22 Notwithstanding section 206.5, as amended in this division of  
23 this Act, a certification issued to a commercial applicator  
24 or a public applicator prior to the effective date of this  
25 division of this Act shall expire according to section 206.5,  
26 Code 2011, as that section existed immediately prior to the  
27 effective date of this division of this Act.

28 DIVISION XVI

29 PESTICIDE REGULATION — LICENSURE

30 Sec. 126. Section 206.6, subsection 5, paragraph a,  
31 subparagraph (3), Code 2011, is amended to read as follows:

32 (3) An applicant applying for a license to engage in  
33 aerial application of pesticides must ~~meet all of~~ demonstrate  
34 compliance with the requirements of the federal aviation  
35 administration, the United States department of transportation,

1 and any other applicable federal or state laws or regulations  
2 to operate the equipment described in the application.

3 Sec. 127. Section 206.8, subsection 2, unnumbered paragraph  
4 1, Code 2011, is amended to read as follows:

5 A The annual license fee for a pesticide dealer shall pay is  
6 due and payable by June 30 of each year to the department ~~an~~.  
7 The annual license fee is based on the gross retail sales of  
8 all pesticides sold for use in this state by the dealer in the  
9 previous year. The license fee shall be set as follows:

10 Sec. 128. Section 206.10, Code 2011, is amended to read as  
11 follows:

12 **206.10 License renewals — delinquent fee.**

13 1. If the application for renewal of a license provided for  
14 in this chapter, ~~other than a pesticide dealer license,~~ is not  
15 filed prior to the first of January in any year, a delinquent  
16 fee of twenty-five percent shall be assessed and added to the  
17 original fee and shall be paid by the applicant before the  
18 renewal license is issued. A delinquent fee does not apply  
19 if the applicant furnishes an affidavit certifying that the  
20 applicant has not applied pesticides after the expiration  
21 of the applicant's license. All licenses issued under this  
22 chapter expire December 31 each year.

23 2. However, a Subsection 1 does not apply to any of the  
24 following:

25 a. A license issued to a pesticide dealer that expires as  
26 provided in section 206.8.

27 b. A certificate issued to a certified applicator that  
28 expires as provided in section 206.5.

29 Sec. 129. Section 206.13, Code 2011, is amended to read as  
30 follows:

31 **206.13 Evidence of financial responsibility required by**  
32 **commercial applicator.**

33 1. The department shall not issue a commercial applicator's  
34 license as required in section 206.6 until the applicant  
35 has furnished evidence of financial responsibility with the

1 department. The evidence of financial responsibility shall  
2 consist of a surety bond, a liability insurance policy,  
3 or an irrevocable letter of credit issued by a financial  
4 institution. The department may accept a certification  
5 of the evidence of financial responsibility. The evidence  
6 of financial responsibility shall pay the amount that the  
7 beneficiary is legally obligated to pay as damages caused  
8 by the pesticide operations of the applicant. However, the  
9 evidence of financial responsibility does not apply to damages  
10 or an injury which is expected or intended from the standpoint  
11 of the beneficiary. A liability insurance policy shall be  
12 subject to the insurer's policy provisions filed with and  
13 approved by the commissioner of insurance. The evidence of  
14 financial responsibility need not apply to damages or injury to  
15 agricultural crops, plants, or land being worked upon by the  
16 applicant.

17 2. The amount of the evidence of financial responsibility  
18 as provided for in this section shall be not less than two  
19 hundred fifty thousand dollars for property damage and  
20 public liability insurance, each separately. The evidence  
21 of financial responsibility shall be maintained at not less  
22 than that amount at all times during the licensed period. The  
23 department shall be notified ten days prior to any reduction in  
24 the surety bond or liability insurance made at the request of  
25 the applicant or cancellation of the surety bond by the surety  
26 or the liability insurance by the insurer. The department  
27 shall be notified ninety days prior to any reduction of the  
28 amount of the irrevocable letter of credit at the request of  
29 the applicant or the cancellation of the irrevocable letter of  
30 credit by the financial institution. The total and aggregate  
31 liability of the surety, insurer, or financial institution for  
32 all claims shall be limited to the face of the surety bond,  
33 liability insurance policy, or irrevocable letter of credit.

## 34 DIVISION XVII

## 35 PESTICIDE REGULATION — REGISTRATION

1 Sec. 130. Section 139A.21, subsection 7, Code 2011, is  
2 amended by striking the subsection.

3 Sec. 131. Section 206.2, subsection 28, Code 2011, is  
4 amended to read as follows:

5 28. "*State restricted use pesticide*" means a pesticide which  
6 is restricted for sale, use, or distribution under section  
7 ~~455B.491~~ 206.20.

8 Sec. 132. Section 206.11, subsection 1, paragraph e,  
9 unnumbered paragraph 1, Code 2011, is amended to read as  
10 follows:

11 Any pesticide which contains any substance or substances in  
12 quantities highly toxic to humans; determined as provided in  
13 section ~~206.6~~ 206.12, unless the label shall bear, in addition  
14 to any other matter required by this chapter:

15 Sec. 133. Section 206.12, subsection 1, Code 2011, is  
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. c. The secretary shall provide for a  
18 three-month grace period for registration.

19 Sec. 134. Section 206.12, subsection 2, paragraph c, Code  
20 2011, is amended by striking the paragraph.

21 Sec. 135. Section 206.12, subsection 3, Code 2011, is  
22 amended by striking the subsection.

23 Sec. 136. Section 206.21, subsection 2, Code 2011, is  
24 amended to read as follows:

25 2. a. ~~For the purpose of carrying out the provisions and~~  
26 ~~the requirements of this chapter and the rules made and notices~~  
27 ~~given pursuant thereto, the~~ The secretary or, including the  
28 secretary's authorized agents, inspectors, or employees, may  
29 enter into or upon any place during reasonable business hours  
30 in order to ~~take~~ do any of the following:

31 (1) Take periodic random samples for chemical examinations  
32 of pesticides and devices ~~and to open.~~

33 (2) Open any bundle, package or other container containing  
34 or believed to contain a pesticide in order to determine  
35 whether the pesticide or device complies with the requirements

1 of this chapter.

2 (3) Monitor the use of or review the pesticide application.

3 b. Methods of analysis shall be those currently used by the  
4 association of official agricultural chemists.

5 DIVISION XVIII

6 COAL MINING

7 Sec. 137. Section 207.2, subsection 10, Code 2011, is  
8 amended to read as follows:

9 10. "*Prime farmland*" ~~has~~ means the same meaning as  
10 prescribed by the United States ~~secretary~~ department of  
11 agriculture ~~and published in the federal register on January~~  
12 ~~31, 1978~~ pursuant to 7 C.F.R. § 567.5(a).

13 DIVISION XIX

14 WEIGHTS AND MEASURES — GENERAL

15 Sec. 138. Section 215.1, Code 2011, is amended to read as  
16 follows:

17 **215.1 ~~Duty to inspect~~ Inspections.**

18 The department shall regularly inspect all commercial  
19 weighing and measuring devices, and when a complaint is made to  
20 the department that any false or incorrect weights or measures  
21 are being made, the department shall inspect the commercial  
22 weighing and measuring devices which caused the complaint.  
23 The department may inspect prepackaged goods to determine the  
24 accuracy of their recorded weights.

25 Sec. 139. Section 215.4, Code 2011, is amended to read as  
26 follows:

27 **215.4 Tag for inaccurate or incorrect device — reinspection**  
28 **— fee.**

29 A commercial weighing and measuring device found to be  
30 inaccurate or incorrect upon inspection by the department  
31 shall be rejected or tagged "condemned until repaired" and  
32 the "licensed for commercial use" inspection sticker shall be  
33 removed. If notice is received by the department that the  
34 device has been repaired and upon reinspection the device is  
35 found to be accurate or correct, the license fee shall not be

1 charged for the reinspection. However, a second license fee  
2 shall be charged if upon reinspection the device is found to be  
3 inaccurate. The device shall be tagged "condemned" and removed  
4 from service if a third reinspection fails.

5 Sec. 140. Section 215.7, Code 2011, is amended to read as  
6 follows:

7 **215.7 Transactions by false weights or measures.**

8 Any A person shall be deemed to have violated the provisions  
9 of this chapter and shall be punished as provided in chapter  
10 189, if any of the following apply:

11 1. ~~If such~~ The person sell ~~sells, trade~~ trades, deliver  
12 delivers, charge ~~charges~~ for or ~~claim~~ claims to have delivered  
13 to a purchaser an amount of any commodity which is less in  
14 weight or measure than that which is asked for, agreed upon,  
15 claimed to have been delivered, or noted on the delivery  
16 ticket.

17 2. ~~If such~~ The person make ~~makes a~~ settlement for or ~~enter~~  
18 enters credit, based upon any false weight or measurement, for  
19 any commodity purchased.

20 3. ~~If such~~ The person make ~~makes a~~ settlement for or ~~enter~~  
21 enters a credit, based upon any false weight or measurement,  
22 for any labor where the price of producing or mining is  
23 determined by weight or measure.

24 4. ~~If such~~ The person record ~~records~~ a false weight or  
25 measurement upon the weight ticket or book.

26 Sec. 141. Section 215.9, Code 2011, is amended to read as  
27 follows:

28 **215.9 Power of ~~cities~~ political subdivision limited.**

29 ~~Commodities~~ A commodity weighed upon any scale bearing the  
30 ~~inspection card, a sticker~~ issued by the department, shall not  
31 be required to be reweighed as required by any ordinance of any  
32 political subdivision including but not limited to a city, nor  
33 shall ~~their~~ a commodity's sale, at the weights so ascertained,  
34 and because thereof, be, by such ordinance, prohibited or  
35 restricted.



1 the national bureau of standards shall be the state primary  
2 standard of weights and measures. Such weights and measures  
3 shall be verified upon initial receipt of same and as often  
4 as deemed necessary by the secretary of agriculture. The  
5 secretary may provide for the alteration in the state  
6 primary standard of weights and measures in order to maintain  
7 traceability with the standard of the United States national  
8 ~~bureau~~ institute of standards and technology. All such  
9 alterations shall be made pursuant to rules promulgated by the  
10 secretary in accordance with chapter 17A.

11

DIVISION XXI

12

WEIGHTS AND MEASURES — FUEL

13 Sec. 146. Section 214.1, subsection 3, Code 2011, is amended  
14 to read as follows:

15 3. "*Motor fuel blender pump*" or "*blender pump*" means a motor  
16 fuel ~~pump~~ meter that dispenses a type of motor fuel that is  
17 blended from two or more different types of motor fuels and  
18 which may dispense more than one type of blended motor fuel.

19 Sec. 147. Section 214.1, subsection 4, Code 2011, is amended  
20 to read as follows:

21 4. "*Motor fuel pump*" means a ~~pump~~, meter, or similar  
22 commercial weighing and measuring device used to measure and  
23 dispense motor fuel originating from a motor fuel storage tank,  
24 on a retail basis.

25 Sec. 148. Section 214.11, Code 2011, is amended to read as  
26 follows:

27 **214.11 Inspections — recalibrations — penalty.**

28 1. ~~The department of agriculture and land stewardship~~  
29 shall provide for annual inspections of all motor fuel pumps,  
30 including but not limited motor fuel blender pumps, licensed  
31 under this chapter. Inspections shall be for the purpose of  
32 determining the accuracy of the pumps' measuring mechanisms,  
33 and for such purpose the department's inspectors may enter upon  
34 the premises of any wholesale dealer or retail dealer, as they  
35 are defined in section 214A.1, of motor fuel or fuel oil within

1 this state. Upon completion of an inspection, the inspector  
2 shall affix the department's seal to the measuring mechanism  
3 of the motor fuel pump. The seal shall be appropriately  
4 marked, dated, and recorded by the inspector. If the owner  
5 of an inspected and sealed motor fuel pump is registered  
6 with the department as a servicer in accordance with section  
7 215.23, or employs a person so registered as a servicer, the  
8 owner or other servicer may open the motor fuel pump, break  
9 the department's seal, recalibrate the measuring mechanism  
10 if necessary, and reseal the motor fuel pump as long as the  
11 department is notified of the recalibration within forty-eight  
12 hours, on a form provided by the department.

13 2. A person violating a provision of this section is, upon  
14 conviction, guilty of a simple misdemeanor.

15

EXPLANATION

16 INTRODUCTION. This bill amends a number of provisions  
17 relating to the powers and duties of the department of  
18 agriculture and land stewardship.

19 GENERAL. The bill amends provisions relating to the general  
20 powers and duties of the department (Code chapter 159). It  
21 recognizes that the department promotes biofuels; revises the  
22 administration of its weather and statistical units; and allows  
23 the department to make statutes and rules available to the  
24 public via the internet in lieu of printed publications. It  
25 also eliminates a requirement that a departmental employee who  
26 handles state funds provide a bond.

27 SOIL AND WATER CONSERVATION. The bill amends provisions  
28 relating to soil conservation (Code chapter 161A). It  
29 eliminates an outdated reporting requirement relating to  
30 comprehensive management plans. It provides that an owner  
31 of land may be required to maintain a permanent soil and  
32 conservation practice for less than 20 years. It requires  
33 the department rather than the soil conservation division to  
34 submit annual fiscal reports to the department of management.  
35 It eliminates references to a conservation folder that must be

1 part of a farm unit conservation plan developed by a landowner  
2 and a soil and water conservation district identifying soil and  
3 water conservation practices. It extends the period for the  
4 summer construction of soil and water conservation practices,  
5 and eliminates restrictions upon how much cost-share moneys may  
6 be expended to support such construction. It also eliminates  
7 a provision which prohibits the allocation of cost-share  
8 moneys to support summer construction projects when moneys  
9 are not available to fund applications to establish permanent  
10 cost-share practices.

11 ANIMAL HEALTH REGULATION. The bill amends a number of  
12 provisions relating to animal health.

13 Generally, the bill prohibits a person from falsifying a  
14 certificate of vaccination or a certificate of veterinary  
15 inspection. The civil penalty for a violation is up to \$5,000  
16 per each animal certificate falsified (Code chapter 163).  
17 The bill updates references to the United States department  
18 of agriculture and the department of agriculture and land  
19 stewardship to comply with the general assembly's modern  
20 drafting style (Code chapters 163 and 165).

21 In regard to swine, the bill eliminates a requirement that  
22 the department oversee the feeding of garbage to animals, and  
23 eliminates a reference to old dates after which garbage cannot  
24 be fed to swine (Code chapter 163). It eliminates requirements  
25 for testing brucellosis in swine that are sold for breeding  
26 purposes and for exhibition (Code chapter 163A). It also  
27 changes the name of "hog cholera" to "classical swine fever"  
28 (Code chapters 159, 163, 166, and 166B).

29 In regard to dairy cattle, the bill changes the term  
30 "paratuberculosis" to "Johne's disease", and eliminates a  
31 requirement that infected dairy cattle be marked with a letter  
32 "C" (Code chapter 165A).

33 In regard to sheep, the bill changes references to dipping  
34 sheep to treating sheep and eliminates a requirement that  
35 treated sheep be marked with the letter "K" (Code chapter 166A).

1 In regard to farm deer, the bill adds moose to the species of  
2 farm deer that are kept in captivity and regulated to prevent  
3 outbreaks of chronic wasting disease (Code chapter 170).

4 The term "farm deer" is used throughout the Code including  
5 provisions relating to agricultural landholding restrictions  
6 (Code chapter 10), the marking and branding of livestock (Code  
7 chapter 169A), trespassing or stray livestock (Code chapter  
8 169C), meat and poultry inspection (Code chapter 189A), sales  
9 taxes and exemptions (Code chapter 423), wildlife conservation  
10 (Code chapter 481A), hunting preserves (Code chapter 484B),  
11 preserve whitetail (Code chapter 484C), damage to property  
12 (Code chapter 716), and injury to livestock (Code chapter 717).

13 ANIMAL INDUSTRY. The bill provides that the department must  
14 publish branding lists on the internet in lieu of in a book  
15 (Code chapter 169A). It also amends licensing and bonding  
16 requirements for persons associated with slaughtering animals  
17 (livestock) by specifically including goats, turkeys, chickens,  
18 and horses (Code chapter 172A).

19 AGRICULTURAL MARKETING. The bill amends a number of  
20 provisions which regulate the marketing of agricultural-related  
21 products and activities (Code chapter 189).

22 In Code 1993, the Iowa Code editor reorganized a number of  
23 Code chapters throughout the Code, including by transferring  
24 Code chapters relating to grain regulation (now codified  
25 in Code chapters 203, 203C, and 203D), and coal mining  
26 regulation (now codified in Code chapters 207 and 208) to  
27 title V, subtitle 4. As a result, the Code editor placed  
28 Code chapter references in a number of Code sections to  
29 exempt those Code chapters from the general provisions of Code  
30 chapter 189 until the general assembly expressly acknowledged  
31 their applicability, including the applicability of certain  
32 penalties. The bill eliminates those references.

33 The bill also amends terms such as "article" and "package" as  
34 applied throughout the subtitle. It allows the department to  
35 publish certain bulletins on its internet site rather than in a

1 printed format. It removes a specification regarding the size  
2 of type that must appear on certain packaging.

3 The bill provides that regardless of what state law  
4 requires, pesticides labeled in conformance with federal  
5 standards comply with state law (see Code chapter 206).

6 AGRICULTURAL MARKETING — GRAIN REGULATION. The bill amends  
7 a number of provisions regulating grain dealer and warehouse  
8 operators required to be licensed by the department (Code  
9 chapters 203 and 203C). The bill also amends corresponding  
10 Code sections affecting the grain depositors and sellers  
11 indemnity fund (Code chapter 203D).

12 The bill amends the definition of "grain" by referring  
13 to the United States Grain Standards Act. The bill rewrites  
14 provisions to enhance readability and provides consistency  
15 in terminology. A number of provisions referring to  
16 administrative actions are amended to provide for "cessation"  
17 which includes revocation, cancellation, or expiration  
18 of a license. The bill also removes terminology such as  
19 an "automatic" suspension or revocation of a license.

20 Emergency adjudicatory proceedings are covered under the Iowa  
21 administrative procedures Acts (Code section 17A.18A).

22 AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION.  
23 The bill defines the United States Warehouse Act and eliminates  
24 legal citations. The bill numbers paragraphs in order to  
25 be consistent with the general assembly's style. The bill  
26 extensively amends Code section 203C.15 which requires a  
27 warehouse operator to maintain insurance coverage. It allows  
28 the department to define catastrophes for purposes of coverage  
29 in addition to the statutory requirements (for example, the  
30 provision refers to fire or wind but not flood). Under current  
31 law a warehouse operator must have on file with the department  
32 evidence of insurance coverage (e.g., an insurance policy).  
33 The bill expressly authorizes the department to demand proof  
34 of insurance verifying that the evidence of insurance coverage  
35 is correct. The bill still requires an insurance company

1 to notify the department of a cancellation and allows the  
2 department to suspend or revoke a license for a failure to  
3 maintain insurance. It sets out the procedure for taking  
4 action based on the termination of coverage, either because  
5 the warehouse operator fails to provide proof of coverage or  
6 the insurance company has canceled the coverage. The bill  
7 eliminates a reference to the "Iowa warehouse Act" which does  
8 not exist. The bill amends a provision which allows a licensed  
9 warehouse to store grain in another warehouse, which the  
10 bill refers to as an alternative warehouse. The alternative  
11 warehouse must be approved by the department. The bill  
12 rewrites the provision to enhance its readability.

13 PESTICIDE REGULATION. The bill amends provisions which  
14 regulate the certification of pesticide applicators, the  
15 licensure of persons engaged in the business of application and  
16 pesticide dealers, and the registration of pesticides by its  
17 manufacturers (Code chapter 206).

18 For regulations relating to certification, the bill  
19 eliminates an option for commercial and public applicators to  
20 pay the department a certification fee each year rather than  
21 each three years. The amount of the fee is not changed. It  
22 provides that the department is no longer required to adopt  
23 rules for the educational program requirements that specify  
24 the handling, application, and storage of pesticides; the  
25 calibration of application equipment; and the effects of  
26 pesticides upon the groundwater. It eliminates a transitional  
27 provision that adjusted fees for certifications issued prior to  
28 July 1, 1989.

29 For regulations relating to licensure, the bill requires  
30 an applicant engaging in aerial application to demonstrate  
31 compliance with federal law. It requires a pesticide dealer  
32 to pay a license fee when due. It provides that the general  
33 renewal fee and delinquency penalty do not apply to an  
34 applicator required to be issued a certificate. It increases  
35 the amount of evidence of financial responsibility required

1 to be submitted by a commercial applicator from \$50,000 to  
2 \$250,000. For regulations relating to registration, the bill  
3 allows the department to provide a three-month grace period.

4 The bill changes the definition of a state restricted use  
5 pesticide to mean a pesticide which is restricted according  
6 to classifications established by department of agriculture  
7 and land stewardship instead of the department of natural  
8 resources' environmental protection commission.

9 The bill eliminates provisions requiring a manufacturer  
10 to submit an ingredient statement and an inert ingredient  
11 statement to the department. It eliminates a provision which  
12 requires the department to submit a copy of the ingredient  
13 statement and inert ingredient statement to the department  
14 of natural resources or the center for health effects of  
15 environmental contamination. It eliminates a provision which  
16 requires DALs to adopt rules specifying the requirements for  
17 the operation of an emergency information system operated by  
18 persons required to register a pesticide or device.

19 COAL MINING REGULATION. The bill updates a reference to  
20 federal law (Code chapter 207).

21 WEIGHTS AND MEASURES. The bill amends a number of provisions  
22 relating to the department's authority to regulate weights and  
23 measures, including commercial weighing and measuring devices.  
24 It amends provisions relating to the general authority to the  
25 department (Code chapter 215), provisions requiring special  
26 regulation of devices measuring weather (Code chapter 213), and  
27 devices measuring fuel including motor fuel pumps (Code chapter  
28 214).

29 Generally, the bill authorizes the department to inspect  
30 prepackaged goods to determine the accuracy of a device.  
31 It authorizes the department to condemn a device that it  
32 determines to be incorrect. It revises statutory language for  
33 readability. It authorizes the department to use a sticker  
34 in lieu of a card when verifying inspection and prohibits  
35 other political subdivisions and not just cities from adopting

1 ordinances for reweighing. It requires that specifications for  
2 a device be furnished to a purchaser before rather than after  
3 departmental approval. It provides that a commercial scanner  
4 is considered a device subject to departmental inspection  
5 requirements.

6 For devices that measure weather activity, the bill  
7 updates the name of the federal agency responsible for setting  
8 standards.

9 For devices that measure and dispense fuel, the bill amends  
10 several provisions by referring to meters rather than pumps and  
11 expressly providing for the regulation of motor fuel blender  
12 pumps.